

Advisory Committee on Enforcement

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AWARENESS-BUILDING ACTIVITIES AND STRATEGIC CAMPAIGNS AS A MEANS FOR BUILDING RESPECT FOR INTELLECTUAL PROPERTY

Contributions prepared by Denmark, Japan, Mali, Mexico, Niger, Oman, the Philippines and Thailand

1. At the fourteenth session of the Advisory Committee on Enforcement (ACE), held from September 2 to 4, 2019, the Committee agreed to consider, at its fifteenth session, among other topics, the “exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States’ educational or any other priorities”. This document introduces the contributions prepared by eight Member States (Denmark, Japan, Mali, Mexico, Niger, Oman, the Philippines and Thailand) on this topic.
2. In its awareness-raising activities, the Danish Patent and Trademark Office (DKPTO) adopts a strategy consisting of three elements, namely a media campaign, use of social media and coordination with stakeholders. A website created by the Danish Ministerial Network Against IPR Infringements plays an important role in all of the DKPTO’s awareness-raising activities. Online tools play a key role also in the awareness campaigns of the Japan Patent Office (JPO). The JPO’s 2020 campaign included the creation of a dedicated website, featuring manga-style campaign videos and learning guidelines for high school students. Campaign videos were distributed through YouTube, Twitter, Instagram and Internet banner advertising. In 2021, the JPO expanded the focus of the campaign on high school students, organizing special sessions at four high schools.
3. The contributions from Mali and Niger show the national intellectual property (IP) offices tackling awareness raising from several directions. In Mali, workshops were held for magistrates and law enforcement personnel, an IP competition was organized for young people and an information campaign was carried out on the prevention of counterfeiting. In Niger, outreach has been directed at law enforcement, judges, academic institutions, businesses and

business support organizations, IP rights holders, young people and the general public. In both Mali and Niger, use has been made of lively video productions and attention-catching parades have been organized in their capitals to raise public interest in the issue of respect for IP.

4. The Mexican Institute of Industrial Property (IMPI) has carried out an array of activities to raise awareness of counterfeiting and piracy, including conducting seminars and taking steps to ensure enforcement. IMPI has gathered data to obtain an overview of its efforts to combat piracy and counterfeiting. This focus on evidence-based policy is echoed by the Intellectual Property Office of the Philippines (IPOPHL), which has acted as the pilot country for the deployment of the WIPO Consumer Survey Toolkit¹, with the intention of establishing a baseline for the level of awareness of IP in the country and the general perception of the effects of the use of counterfeit goods. The survey also measured the impact of public awareness-raising campaigns carried out by IPOPHL.

5. The Ministry of Education of Oman has put the emphasis on young people, with workshops, competitions and extensive use of social media to convey the message of respect for IP. The recent public health crisis required the adoption of virtual methods of communication, including virtual training workshops for teachers and specialists. The use of video is again illustrated, with the production of a cartoon for young students, *Fatima and the Flying Robot*.

6. The Department of Intellectual Property (DIP) of Thailand has recently refocused its awareness-raising efforts to reach researchers, creators and entrepreneurs. The objective is to encourage homegrown innovation in line with the country's Thailand 4.0 policy for economic growth. Advice on IP is provided by a recently-established IP Advisory Center and a network of Technology and Innovation Support Centers (TISCs) at institutions of higher education. Online and offline workshops have been provided to different audiences and a television show, *The Pitching*, was developed, in which 20 candidate-entrepreneurs compete to win a cash prize and support for business expansion. The DIP used online platforms, such as YouTube and Facebook, to extend the reach of the show, which enjoyed more than two million views in its first season.

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¹ <https://www.wipo.int/publications/en/details.jsp?id=4240&plang=EN>.

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[Contributions follow]

RECENT ANTI-COUNTERFEITING AWARENESS-RAISING ACTIVITIES IN DENMARK

*Contribution prepared by Ms. Barbara Suhr-Jessen, Head, and Ms. Marie Amstrup Jensen, Legal Adviser, Department for IP Enforcement & Networks, Danish Patent and Trademark Office (DKPTO), Taastrup, Denmark**

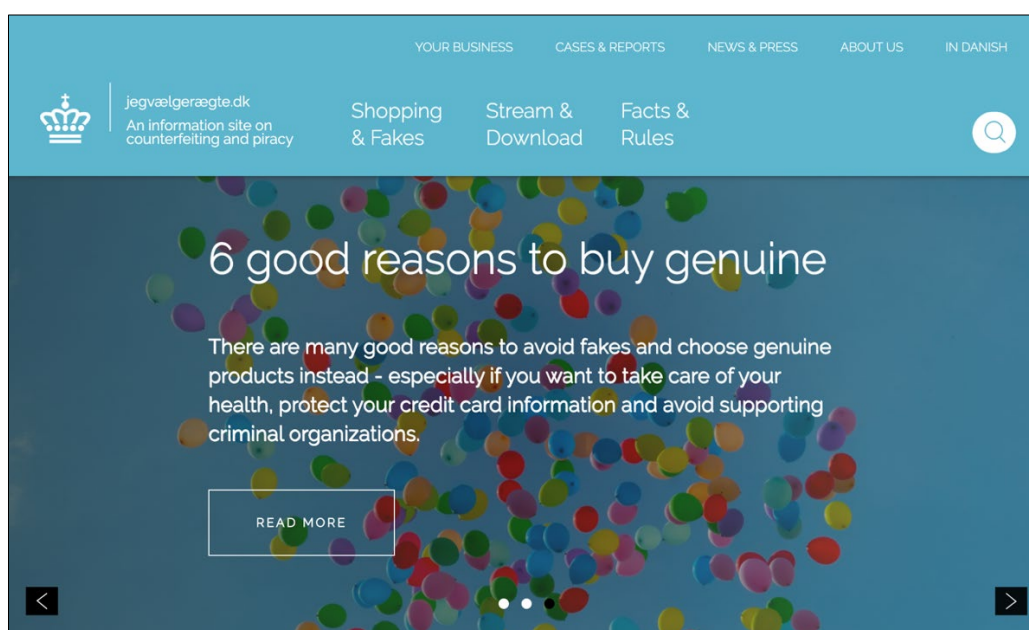
ABSTRACT

The contribution describes selected and recent awareness initiatives undertaken by the Danish Patent and Trademark Office (DKPTO). In particular it presents an awareness website against counterfeiting and piracy, launched on behalf of the entire Danish Ministerial Network against IPR Infringement in 2019, and an awareness initiative for schools.

The paper also introduces the concept that the DKPTO has used for its awareness campaigns during recent years, consisting of three elements, namely a media campaign, a social media campaign and coordination with stakeholders. Examples of both smaller and larger scale campaigns are also included.

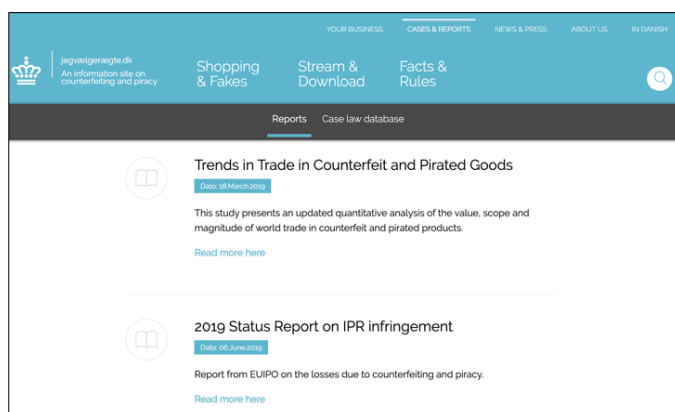
I. AWARENESS WEBSITE

1. In January 2019, the new awareness website against counterfeiting and piracy www.ichoosereal.dk launched. It is available in both English and Danish.



Website www.ichoosereal.dk

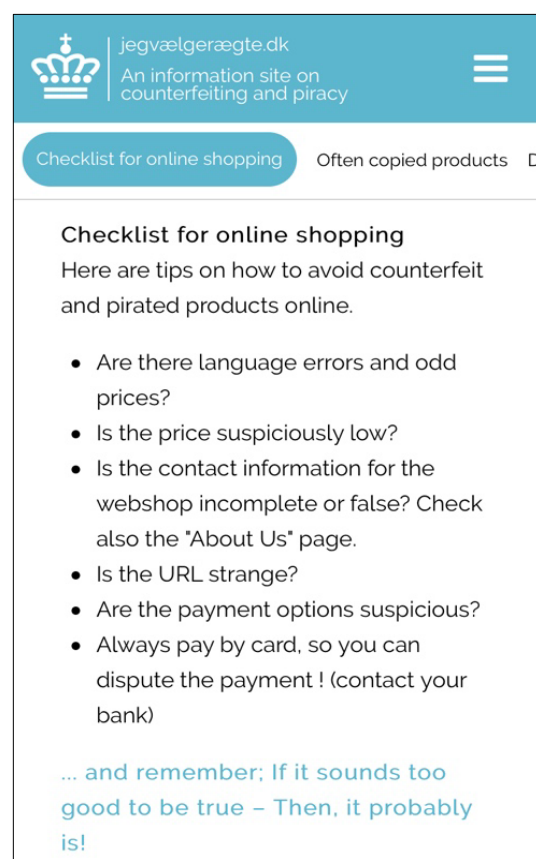
* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.



The website's report repository



Example of a case video with a consumer



Example of a checklist for online shopping

2. The purpose of the website is to raise awareness of counterfeiting and piracy and why it is best to buy genuine products, both for consumers themselves as well as for the society in general. The website mainly targets consumers, but also contains specific information for journalists, as well as a separate portal with guides for businesses.

3. The website was launched jointly by the 12 public sector bodies in the Danish Ministerial Network against IPR Infringements (Network). The Network was established in 2008, and its members cooperate closely to combat counterfeiting and piracy. The DKPTO acts as the secretariat for the Network and, as such, took the leading role in developing the new joint awareness website.

4. As the Network's cornerstone and main information source on counterfeiting and piracy, the website also plays an important role in all the DKPTO's awareness-raising activities, including the ones mentioned below in sections II and III. In all of them, large or small, the DKPTO has found it optimal to focus on communicating a few key messages and refer to the website for further information.

5. Key elements of the website:

- **Consumer guide** on why and how to buy genuine products instead of fakes – and information on what is legal and illegal.
- **Video and text case studies** with consumers and businesses on their personal experiences with counterfeit products. The aim is to enable users of the website to identify with the people in the case studies, thus promoting behavioural change.
- **Interactive “quizzes” and “Did you know?”** with interesting facts about counterfeiting and piracy.

- **Guides for businesses** on preventive measures to avoid counterfeiting and piracy and guidance on what to do if counterfeiting/piracy occurs.
- **Information for journalists and others on the scope, scale and impact of counterfeiting and piracy** (with links to reports from the European Intellectual Property Office (EUIPO), the European Union Agency for Law Enforcement Cooperation (Europol), the Organisation for Economic Co-operation and Development (OECD) etc.).
- **News board** (in Danish only) providing news on counterfeiting and piracy on a regular basis from all 12 Network bodies. This ensures efficient spreading of news among both the Network authorities themselves as well as the Danish intellectual property (IP) community, including IP advisers from the private sector.

6. The DKPTO has granted permission to other countries to reuse the website for free upon clarification of the terms in a short contract.

7. The DKPTO acknowledges having received funding for the website through its bilateral agreement with the EUIPO. It found inspiration for the website from the Norwegian website www.velgekte.no and obtained permission to reuse material from that website from the Norwegian Industrial Property Office (NIPO).

8. The DKPTO and the Special Crime Unit of the Danish Police have developed a case law collection with all judgements in criminal IP cases since 2013. The judgements are available in anonymized form, and the collection has been uploaded to the above-mentioned website in the form of a Microsoft Excel file. The DKPTO is currently working on transforming it into a database solution with better search options.

The image shows a mock-up of a website interface for a legal database. The header is blue with navigation links: 'FOR COMPANIES', 'JUDGMENTS & REPORTS', 'NEWS & PRESS', 'ABOUT THE PAGE', and 'IN ENGLISH'. Below the header, there are tabs for 'Doms Database', 'reports', 'Cases', and 'Kingdoms Collection'. The main content area displays a table with the following columns: Link, Date, court, Regulatory, Decision, Description, Number / Period, and Compensation. Two rows of case data are visible.

Link	Date	court	Regulatory	Decision	Description	Number / Period	Compensation
	30.08.2018	Eastern High Court	Section 42 (2) of the Trademark Act, 2. of 1. of § 4 and the nature of the EU Trademark Regulation 9. and section 61 (3) of the Criminal Code 2 and § 89.	30 days conditional increase in relation to the district court - Confirmation of the additional fine of DKK 20.000.	Sales of copy products on the market. The offense was committed during the sentencing period. The district court's judgment in the case against T is changed so that the sentenced sentence is increased to 30 days in prison. Moreover, the judgment is upheld. Appeal before the Court of Svendborg on 25.01.2018. <i>if: The imposition of rules on prosecution rules if: Visa market if: Confiscation</i>	409 perfumes and 98 pairs of socks are confiscated	The district court referred the claim for civil action
	28.09.2018	The court in Svendborg	Section 42 (2) of the Trademark Act, 2. of § 1. of § 4, par 1 and the nature of the EU Trade Mark Regulation 9th	30 days conditional.	Accused of having used commercially identical signs with or similar to the registered trademarks for storage for sale, offering for sale, marketing and sale of a total of 985 pairs of H&O stockings. The defendant was previously punished for similar crime. <i>if: Supermarket market if: Confiscation</i>	985 pairs of stockings are confiscated	The claim is referred to civil action

Mock-up illustration of the planned new solution

II. SCHOOL INITIATIVE

9. Teaching IP in Danish primary and secondary schools is generally extremely limited or non-existent. The DKPTO initiated a dialogue with Danish education authorities regarding the possibilities to change the situation.

10. As recommended by Danish education authorities, the new initiative was developed to be used when schools carry out project work. One week of project work is mandatory in Danish schools for pupils in the ninth grade. Pupils in the seventh and eighth grades will also often carry out project work to prepare for the mandatory project week.

11. Together with its cooperation partners, the DKPTO has developed educational materials, which present the pupils with the task of developing and implementing awareness campaigns to change the behaviour of Danes, so they will buy genuine products instead of fakes. The material is targeted at pupils in the seventh to ninth grades and focuses on physical counterfeit products. The campaigns to be developed and implemented by the pupils can take very different forms – depending on the creativity of the pupils – e.g., happenings, games, speeches, flyers, posters, videos on social media, etc.



12. When the pupils work on the task, they learn about the many good reasons to buy genuine products instead of fakes. Additionally, they obtain knowledge about the possibilities that IP rights can offer to the pupils themselves in their life and future careers – for example as entrepreneurs, designers, etc.

13. The educational materials consist of a complete pedagogical guide for teachers and student material. While the DKPTO offers an online kick-off webinar to interested classes, the materials can also be used on its own.



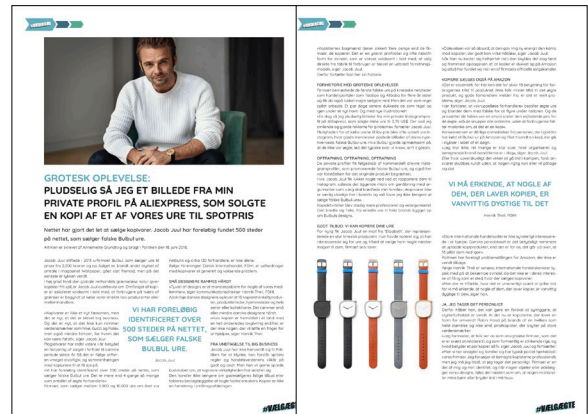
Info sheets on counterfeit products and IPR



Introduction video



Short/funny videos on counterfeited products



News article on how counterfeiting can affect a small business.

14. The educational materials were launched in autumn 2019 and are available online¹. The DKPTO has now entered the project phase, which focuses on promoting the use of the materials. It is foreseen that this work will continue for the years to come.

15. The DKPTO acknowledges that it has received funding for the project from EUIPO as part of the *Ideas Powered* project.

III. RECENT AWARENESS CAMPAIGNS

16. Raising awareness on counterfeiting requires continuous effort. To ensure that awareness raising is carried out on a regular basis, the DKPTO has, for the past several years, organized two annual awareness campaigns against counterfeiting. This section describes the concept that has been used for such campaigns.

17. In Denmark, two recurring occasions have proven to be particularly efficient for such larger campaigns. The first occasion is "World Anti-counterfeiting Day", which takes place at the beginning of June. The second occasion is during the holiday period from November and until Christmas when the Christmas shopping takes place.

18. In all campaigns, the three elements mentioned below (A-C) are executed in parallel. The Christmas campaign, in particular, is carried out with a low budget.

A. MEDIA CAMPAIGN

19. The DKPTO issues a **press release** to spark a media campaign. The press release will generally include the following content:

- **New figures** on the scope, scale or impact of counterfeiting as these increase the interest of the Danish media.
- If possible, **minister citations** are included.
- **Storytelling** on why it is better for both consumers and the society in general to buy genuine products instead of fakes. A link to a short checklists with tips for how to decipher whether a product is fake or not are also linked.

¹ <https://www.jegvaelgeraegte.dk/fakta-regler/undervisningsmateriale/>.

We also seek to obtain **samples of genuine and fake products (from the brand owner) which provide good images for TV.**

B. SOCIAL MEDIA CAMPAIGN

a) Examples from World Anti-counterfeiting Day

20. Since 2020 the DKPTO has – in collaboration with different external communication agencies – developed larger awareness campaigns targeting the youth (18-24 years old). Among the Danes, it is the young people who most often buy counterfeit goods. Our external communication agencies have advised us to collaborate with influencers and use social media to spread our messages.

21. The goal of such campaigns was to change consumer behaviour through increasing young peoples' knowledge of:

- why they should choose genuine products instead of fakes; and
- how to avoid buying fakes when shopping online.

22. The campaigns addressed the well-documented links between counterfeit goods and organized crime, including that by purchasing counterfeit goods, one runs the risk of supporting criminal organizations that may also be involved in tax evasion and trafficking of drugs, weapons and human beings. The campaigns also addressed the health and safety risks associated with counterfeit goods.

23. The content was uploaded to social media on the influencers' profiles and the DKPTO's social media channels and included links to a campaign landing page on our awareness website (described above in section I) for further information².

Main Elements of the 2020 Campaign

24. A YouTube video with two influencers, who makes use of the “what is in my bag” concept: one of the influencers shows the other one different products from her bag. Suddenly, she pulls up a gun, which leads to a dialogue on the risk of supporting criminal organizations involved in other types of serious crime, when buying counterfeits goods.



YouTube-video “What is in my bag”

25. In addition, nine influencers posted eye-catching photos on Instagram: e.g., guns, plastic bags with “drugs” and barrels with chemicals were photo shopped into the photos – to get young peoples' attention and to make them aware of the connection between IPR crime and organized criminals involved in other types of serious crime.

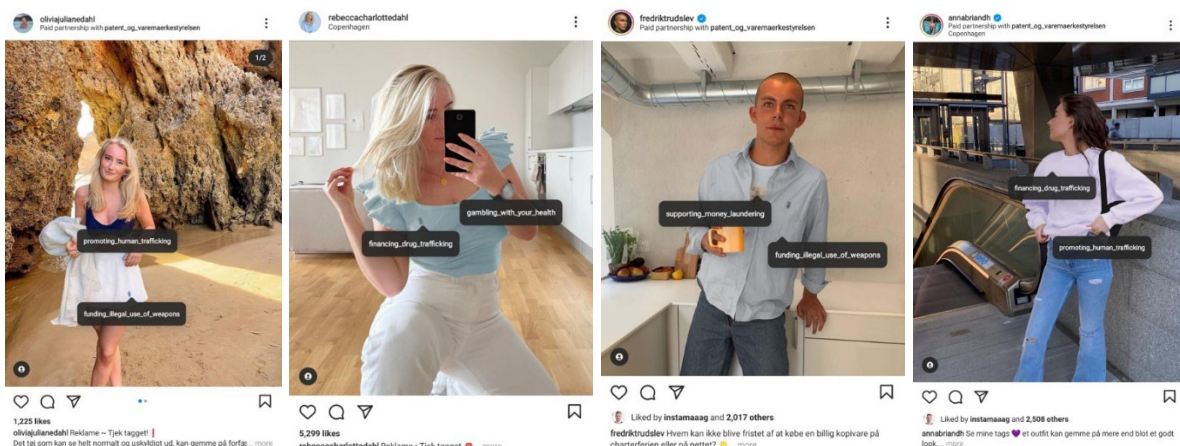
² As an example, the campaign-landing page from 2021 is available at <https://www.jegvaelgeraegte.dk/nyheder-presse/nyhedsoversigt/kampagne-fra-patent-og-varemaerkestyrelsen/>.



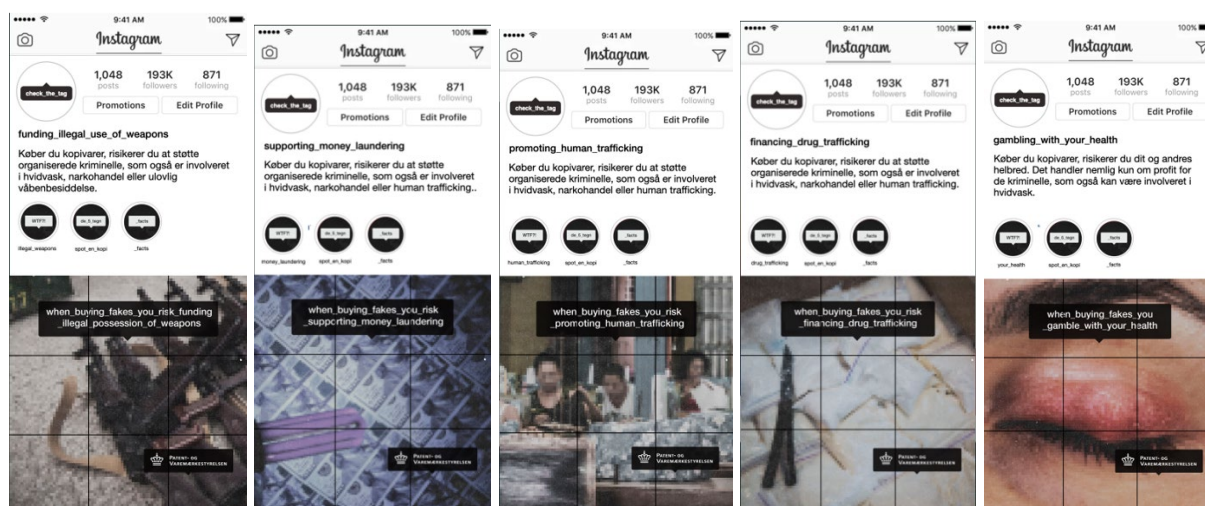
Example of an influencer's post on Instagram

Main elements of the 2021 campaign

26. The campaign tapped into youngsters' habit of checking tags on pictures posted on Instagram. This time, checking the tags of the seven selected influencers would reveal our campaign message. The message mainly concerned the links between counterfeiting and other types of serious crime – and how to avoid fakes. The health and safety dangers were also included. Examples of tags included: “supporting_money_laundering”, “financing_drug_trafficking” and “gambling_with_your_health”.



Seven influencers made campaign posts on Instagram – urging their followers to “check the tag”



Our campaign profiles on Instagram with additional information on fakes in the form of short documentary style videos (https://www.instagram.com/hot_supporting organised_crime/)

b) Examples from Black Friday/ Christmas campaigns

27. In parallel with the media campaign, the DKPTO posted **photos or short awareness videos on social media**:

- The videos are produced on low budget and are posted on platforms such as Facebook and LinkedIn. The posts include a caption focusing on Black Friday or Christmas and link to a campaign-landing page on our awareness website. The landing page includes our “checklists for avoiding fakes³” and our “6 good reasons to buy genuine⁴”⁵.
- We generally post the videos with some days in between – and enhance visibility through paid digital marketing (low budget).



Animation videos on Facebook and LinkedIn for the Christmas campaign 2021 and 2022

³ <https://www.jegvaelgeraegte.dk/english/shopping-fakes/how-to-avoid-fakes/#checklist-for-online-shopping>.

⁴ <https://www.jegvaelgeraegte.dk/english/facts-rules/6-good-reasons-to-buy-genuine/>.

⁵ An example of such a campaign landing page can be found at:

<https://www.jegvaelgeraegte.dk/nyheder-presse/nyhedsoversigt/ligger-der-falske-varer-under-dit-juletrae/>.



Short animation videos for the Christmas campaign made by the Norwegian Industrial Property Office. The DKPTO obtained permission to translate and reuse the videos.

C. COORDINATION WITH PUBLIC AND PRIVATE SECTOR STAKEHOLDERS TO SPREAD THE CAMPAIGNS AS MUCH AS POSSIBLE

28. A key element to ensure sufficient dissemination of our campaigns is coordination with relevant collaborators. This work includes:

- coordination with relevant public sector bodies, including the 12 authorities in the Danish Ministerial Network against IPR Infringements, to seek use of their communication channels (social media, websites, newsletters, etc.) to spread knowledge of the campaign;
- coordination with relevant private sector organizations that are also interested in participating to spread the campaign; and
- asking private sector collaborators to participate in spreading the campaign by simply liking and sharing our social media campaign. At the same time, this method gives the collaborators an opportunity to tailor the message in the direction most interesting to them (e.g., with an angle on fake food, customs control, dangerous counterfeit medicines, etc.).

29. Our awareness campaigns have received very good media coverage in national, regional and local media. This includes printed and online media as well as radio programs and prime time TV on the main Danish TV channels. The social media campaigns also performed very well.

30. The DKPTO acknowledges that it has received funding for the awareness campaigns through their bilateral agreement with EUIPO.

[End of contribution

DON'T BUY, SELL OR HAVE OTHERS BUY COUNTERFEIT PRODUCTS FOR YOU! **– A RECENT ANTI-COUNTERFEITING CAMPAIGN IN JAPAN**

*Contribution prepared by Mr. Sugiyama Takuya, Director, Anti-counterfeit Office, International Cooperation Division, Japan Patent Office (JPO), Tokyo, Japan**

ABSTRACT

Counterfeit goods, and the damage they cause, have become a growing problem worldwide in recent years. In Japan, the Anti-Counterfeit Office is a centralized consultative center for tackling counterfeiting and piracy as well as coordinating measures between government agencies and private companies.

Since 2003, the Japan Patent Office (JPO) has conducted an annual campaign to combat counterfeiting. In the 2020 fiscal year, the JPO created a dedicated website for the campaign, featuring manga-style campaign videos, influencers and learning guidelines for high school students. Model lessons using those guidelines have been held at high schools. The JPO also plans to conduct further awareness-raising activities in the near future.

I. INTRODUCTION

1. The Anti-Counterfeit Office (the Office) was established in the Ministry of Economy, Trade and Industry in August 2004 with the aim to promote government efforts to combat counterfeiting and piracy. Its mandate is to eliminate counterfeit products and curtail the misuse of Japanese brands distributed around the world, thereby protecting the standing of those brands and the added value of the country's manufacturing industry.
2. The Office, which was transferred to the Japan Patent Office (JPO) in April 2020, provides information and consultancy services to right holders and other interested parties and facilitates cooperation between government agencies and with private companies.
3. In response to a survey, the Office received several requests to conduct awareness-raising activities in countries where Japanese products are often counterfeited and distributed. The JPO has been working with the private sector to promote such activities.

II. ANTI-COUNTERFEITING CAMPAIGN

4. The JPO has run its anti-counterfeiting campaign annually since 2003. The aim of this campaign is to raise awareness of the importance of protecting intellectual property (IP) and to promote an understanding of the damage caused by counterfeiting.
5. Target groups of consumers vary from one year to the other and include domestic consumers, online shoppers, consumers who knowingly buy counterfeit products and young people.

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

6. The JPO runs the campaign jointly with other related organizations in December and January each year, coinciding with the peak holiday shopping season over Christmas and New Year's, in order to maximize consumer exposure to its message.

A. 2020

a) "Don't Buy, Sell or Have Others Buy Counterfeit Products for You!"¹

7. The campaign with the slogan *Don't Buy, Sell or Have Others Buy Counterfeit Products for You!* was conducted twice in the 2020 fiscal year: from July 1 to August 31 (the summer holiday period) and from December 1, 2020, to January 31, 2021 (the Christmas / New Year's holiday period).

8. During the campaign, the JPO conducted four Internet surveys and a total of 2,000 people in their early 20s took part in the survey. Some 10 per cent of respondents said that they had bought counterfeit products in the previous year, and around half had bought such goods unintentionally. These figures underscore the need for initiatives, including awareness-raising activities, on the one hand, to dissuade consumers from buying counterfeit products and, on the other hand, to educate consumers to be able to distinguish a counterfeit product from a genuine one.



b) Target Groups of Consumers

9. In its 2020 campaign, the JPO mainly targeted working adults in their early 20s who frequently used second-hand shopping sites and mobile applications, online shopping, social networking sites (SNS) and the like, and who may be hesitant to warn their peers against buying counterfeit products.

¹ <https://www.jpo.go.jp/news/kokusai/mohohin/campaign/2020/index.html>.

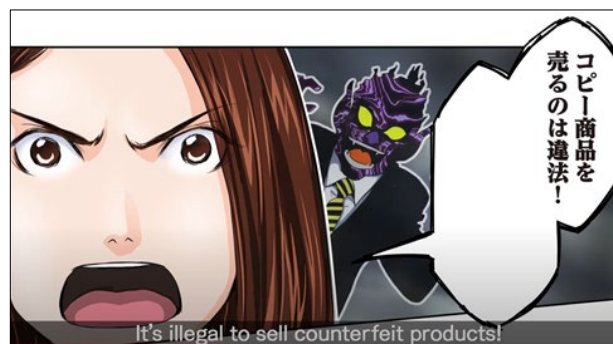
10. Indeed, past surveys have shown that, while approximately 30 per cent of respondents do warn their friends who have bought counterfeit products against doing so, about 60 per cent do not. The campaign therefore focused on reminding target groups of consumers of the importance of doing so.

c) Website and Publication Project

11. The JPO launched a dedicated website for the campaign, with manga-style videos and practical tips to help consumers avoid unintentionally buying counterfeit products by, for instance, identifying suspicious websites².

12. Campaign videos were distributed through YouTube, Twitter, Instagram and Internet banner advertising. The number of views reached 1.42 million during the campaign and has continued to rise since.

13. A project on SNS featuring posts by influencers with a significant amount of followers in their early 20s also appeared on the website, exposing 110,000 consumers to the campaign message.



d) Learning Guidelines

14. Another element of the campaign consisted of learning guidelines on counterfeit products for teachers developed by the JPO. The guidelines were directed at high school students, who are especially at risk of buying counterfeit products through the second-hand shopping sites and mobile applications and SNS.

15. The guidelines comply with government high school curriculum regulations and come in three versions: “standard”, “discussion-oriented” and “survey- and discussion-oriented”. All guidelines are available in PDF format on the campaign website.

² Manga video on fakes at: <https://youtu.be/Wi6NW1LZpF4>.

e) Model Lessons for High School Students

16. The learning guidelines were put to use through the holding of model lessons in February 2021 in four first-year classes at a Tokyo high school.

17. Photos of the students attending the lessons were posted together with their feedback on the campaign website, and a press release was distributed.

18. The feedback showed a high level of interest in eliminating counterfeit products. One student said: “The lesson was exciting because I could actually feel the difference between genuine brands and counterfeits. As a consumer, I believe it is important to see counterfeit products as a problem.”



f) Government TV Publicity Program

19. In cooperation with the private sector and Tokyo Customs, the JPO ran a public television awareness event on the campaign, in which samples of confiscated counterfeit products were shown. The damage caused by such products and the action being carried out by Customs officials were also broadcast³.



B. 2021

20. In the 2021 fiscal year, the JPO focused their annual awareness-raising campaign on teenagers (high school students) and expanded the model lesson component of the campaign. From November 2021 to January 2022, model lessons were held at four high schools, with anti-counterfeiting experts invited as lecturers. Lessons included the following core content⁴:

- *Measures taken by companies to fight counterfeiting*: lecturers used actual counterfeit products in discussions with students on counterfeiting issues;
- *Companies' IP strategies*: lecturers explained the importance of brand protection through quizzes and Q&A sessions;
- *Anti-counterfeiting measures introduced by a company that operates second-hand shopping applications*: through workshops, students learned how IP right systems work in terms of buying products and were invited to think about the kind of products that might be suspected of being counterfeit and therefore banned from sale. They also learned to distinguish between counterfeit products and their genuine counterparts; and
- *The merits of genuine products beyond their appearance*: a badminton medalist at the London Olympics appearing as a guest speaker at a special class underlined the importance of using genuine rather than counterfeit badminton rackets and the risk of having to give up sports due to injury as a result of using counterfeit products.

³ <https://nettv.gov-online.go.jp/prg/prg21630.html>.

⁴ <https://www.jpo.go.jp/news/kokusai/mohohin/campaign/2020/gakushu.html#modelclass>.



C. OLYMPICS AND PARALYMPICS

21. On the occasion of the opening ceremonies for the Olympic Games (held from July 23 to August 8, 2021) and the Paralympic Games (held from August 24 to September 5, 2021), the JPO issued a warning on Twitter regarding the spread of counterfeit goods, along with an announcement of a dedicated website. The JPO requested relevant ministries and companies to retweet the post, which resulted in four to five times more views of the website than on the previous day.

III. OTHER INITIATIVES: TIGHTENING REGULATIONS ON THE INFLUX OF COUNTERFEIT PRODUCTS FROM ABROAD

A. BACKGROUND

22. In recent years, with the development of e-commerce and the decrease in international postal rates in Japan and elsewhere, the steady increase in the delivery of counterfeit goods by businesses operating abroad directly to consumers in Japan through online shopping outlets has become a source of growing concern.

23. However, under Japanese law, IP-infringing goods imported by individuals for personal use are not subject to border measures. Such goods could therefore not be confiscated by customs authorities since their recipients were deemed not to be operating as businesses or using the goods for business purposes.

B. LEGISLATIVE AMENDMENTS

24. In order to curb the influx of counterfeit products from abroad, the Trademark Act and the Design Act were amended to prohibit foreign business operators from bringing counterfeit goods into Japan through international postal and other services. Following these amendments, revisions have also been made in the Customs Act. These revisions of the Trademark Act, the Design Act and the Customs Act are scheduled to come into effect by November 2022.

25. The revisions of the Trademark Act and the Design Act clarify that where an overseas business operator uses mail to send goods with the same mark as the registered trademark, or goods resembling a registered design to a person in Japan, it infringes applicable trademark and design rights in Japan, regardless of whether the recipient is an individual or a business operator. Imports that infringe trademark or design rights are subject to confiscation at Customs.

26. The JPO is working with the relevant ministries and agencies, such as the national customs authorities, to increase knowledge on the amended legislation and to promote awareness among consumers.

IV. CONCLUSION

27. After 20 years of campaigning, the JPO feels that there is now a broader awareness and understanding in Japan of the slogan *Don't Buy, Sell or Have Others Buy Counterfeit Products*.

28. Yet, there can be no lessening of efforts, as counterfeit products continue to be traded in both physical markets and on e-commerce sites. The sale of counterfeit products on e-commerce sites, in particular, poses a serious problem. It is therefore vital to reach out to young people, particularly members of Generation Z, who are especially literate in information technology, and to impress upon them that they should not “buy, sell or have others buy counterfeit products” for them.

[End of contribution]

THE MALIAN CENTER FOR THE PROMOTION OF INDUSTRIAL PROPERTY'S RECENT AWARENESS-RAISING ACTIVITIES

*Document prepared by Ms. Bocoum Fatoumata Sirgata Traore, Director, Malian Center for the Promotion of Industrial Property (CEMAPI), Ministry of Trade and Industry, Bamako, Mali**

ABSTRACT

This contribution from the Malian Center for the Promotion of Industrial Property (CEMAPI) highlights the various initiatives it has carried out over the past four years, since 2019, to raise awareness of the importance of respecting intellectual property rights.

The targeted groups were economic actors, consumers, magistrates, court officers, agents of national services in charge of economic repression, etc. Thanks to a proactive and pedagogical approach, and then to the diversity of the actions deployed, CEMAPI has reached a large audience.

These initiatives were implemented in collaboration with several national and international partners.

I. INTRODUCTION

1. Despite legal and institutional intellectual property (IP) frameworks around the world, the persistence of and growing increase in IP rights infringements continue to be issues today with disastrous consequences on economies and public health. The impact of these practices, which usually involve counterfeiting and piracy, goes beyond IP rights infringements: counterfeit products released onto the market inevitably lead to business closures and increases in unemployment, thereby putting consumers in a state of insecurity.

2. From a health perspective, counterfeiting is a crime because medications with dosages that are too high or too low, or even with non-active or toxic ingredients, circulate almost freely in the world because of people who refuse to work honestly and earn a decent living. In the agricultural sector, which is vital to the economy, the proliferation and use of counterfeit pesticides and inputs on crops harms productivity. To add to these difficulties, Malian magistrates are ill-equipped to deal with IP law matters, and their obligation to state the law can lead them to render decisions that are poorly reasoned and often out of step with IP law. In the absence of effective protection mechanisms, sanctions and awareness activities, such practices will continue to undermine the efforts of the State and its partners.

3. Respecting IP principles in a legal setting that protects creativity and investment can lead to healthier competition on the market and improve business conditions. Such a setting 1) protects rights holders against certain IP infringements, particularly unfair practices such as counterfeiting and piracy and 2) reassures investors and ensures that their investments are safe. For this reason, over a four-year period starting in 2019, the Malian Center for the Promotion of Industrial Property (CEMAPI), under the authority of the Ministry of Trade and Industry, has launched initiatives to raise awareness of the importance of respecting IP rights. Target groups included economic actors, consumers, magistrates, legal officers and economic

* The views expressed in this document are those of the authors and not necessarily those of the Secretariat or of the Member States of WIPO.

law enforcement officials. Thanks to its proactive and pedagogic approach, and the range of actions that it carried out, CEMAPI has reached a large audience. These initiatives were implemented with support from national and international partners.

II. GENERAL

4. Through ordinance n° 2012-018/P-RM of March 19, 2012, CEMAPI was established as the national administrative body for industrial property in Mali under the authority of the Ministry of Trade and Commerce. It also liaises in a national capacity with the African Intellectual Property Organization, which consists of 17 member states, including Mali. The mission of CEMAPI includes promoting industrial property rights, implementing effective training and awareness programs for potential industrial property users and supporting institutions that prevent industrial property rights infringements, particularly counterfeiting and unfair competition.

5. The Malian Copyright Office (BUMDA) administers literary and artistic property under the Ministry of Culture.

III. ACTIVITIES TO PROMOTE RESPECT FOR INTELLECTUAL PROPERTY IN MALI

6. To increase and promote respect for IP in Mali, CEMAPI has collaborated with various partners to conduct major projects to build national capacity with regard to respecting IP rights. These projects include the following:

- The implementation of a protection mechanism for IP rights holders in Mali on April 26, 2019.
- A series of training workshops for magistrates, legal officers and IP law enforcement officials from national services.
- The organization of a large caravan of vehicles in Bamako to raise consumer awareness of the harm of counterfeiting, which was carried out as part of the first Malian *Trademark Week*.
- The organization of “IP youth” contests for school and university students.
- The launch of an information campaign on preventing counterfeiting.

A. PROTECTION MECHANISM FOR IP RIGHTS HOLDERS

7. The tripartite agreement between CEMAPI, the General Directorate of Customs and BUMDA resulted in an innovative approach that effectively combats fraud, counterfeiting and piracy and improves business conditions.



8. In practical terms, the approach involves voluntarily submitting an online form requesting the intervention of the Directorate General of Customs and providing information about the protected assets. This measure allows IP right holders to register with the customs authorities so that those authorities can effectively combat counterfeiting and unfair competition, and intervene with full knowledge of the facts every time the relevant (registered) products enter the territory.

9. An information guide on the measure has been made available. To date, the measure has led to several seizures of counterfeit goods and has strengthened ties between companies and the Customs Administration.

B. SERIES OF TRAINING WORKSHOPS

10. Two series of training workshops were held in May and July 2021 respectively for some 60 magistrates, legal officers and law enforcement officials to help them better understand their roles and responsibilities in ensuring respect for IP rights in Mali.

11. The workshops were carried out in partnership with the National Directorate for the Administration of Justice and with support from WIPO and the Commercial Law Development Program of the United States Department of Commerce (CLDP) through the United States Agency for International Development (USAID).

12. Proceedings ended with a round-table discussion on mutual legal assistance and cooperation on IP matters.



C. LARGE CARAVAN OF VEHICLES IN BAMAKO

13. The *Trademark Week* is the first economic demonstration of its kind in Mali, promoting companies' strategic use of industrial property and helping companies and consumers to understand all the different aspects of trademarks. The first *Trademark Week* took place in Bamako from March 14 to 19, 2022 under the chairmanship of the Prime Minister.



14. During two days of that week, a caravan of vehicles traveled back and forth across Bamako from 8 a.m. to 6 p.m. to raise consumer awareness of the harm of counterfeiting. Twenty-three vehicles decorated in the colors of their own brands took part in the demonstration, which gathered almost 2,000 participants. During the event, participating brands distributed gifts and promotional items to onlookers.



15. The hosts, artists and comedians used educational and interactive techniques to explain the role of CEMAPI and to raise awareness of the risks and dangers of counterfeiting on public health and the economy.

D. IP YOUTH CONTEST FOR STUDENTS

16. This activity promotes creativity among young people and teaches them how IP is an integral part of their lives.

17. The ninth series of contests was organized on November 19, 2020, under the joint chairmanship of the Minister of Industry, Trade and Investment Promotion and the Minister of Higher Education and Scientific Research. One hundred and twenty-four students from 13 universities and elite higher education institutions participated.

18. The first part of the contest involves completing a series of activities on IP using teaching aids such as explanatory videos or spots. They are followed by questions and answers and handing out a questionnaire to the students. After jury members have corrected the questionnaires, the results are announced and the winners receive their awards.

19. The activity was a success. Enthusiastically received by Malian universities and student associations. It led to preliminary discussions about introducing a Master's program in IP in partnership with the board of education of the University of Legal and Political Sciences in Mali. A joint commission has been set up in that regard and a draft program is currently being validated.

E. INFORMATION CAMPAIGN TO PREVENT COUNTERFEITING

20. This campaign received support from the CLDP through USAID and involved three organizations in addition to CEMAPI: BUMDA, the Customs Administration of Mali and Sproxil, a private company.

21. The following activities were carried out as part of the campaign:

- Conceptualization and production of two radio and television spots in two languages (French and Bamanankan) aimed at economic/cultural/industrial actors and consumers.
- Design and production of billboards with different messages, which were placed alongside the busiest roads for one to three months.





- Design and production of a leaflet and 12 roll-up banners (kakemonos) that were distributed and placed in the reception rooms of all the organizations involved in the campaign (see right).
- Development of a guide for radio and television programs on counterfeiting and piracy with frequently asked questions.
- Production of interactive radio programs followed by contests held during programs, in which t-shirts and other gadgets were awarded to participants who answered the questions.
- Organization of a press lunch / coffee with the media to better inform journalists / hosts / influencers / bloggers about counterfeiting.
- The conducting of a baseline study or survey of the Malian population to discover the underlying reasons why counterfeiters break the law and harm consumers who use / buy counterfeit goods. The survey results deepened understanding of this issue and provided appropriate solutions. Through the survey, the aforementioned measure to protect IP rights holders was introduced.
- Production and dissemination of a video on the procedure for acquiring IP rights.
- Production and dissemination of a video on those who combat counterfeiting and unfair competition and a film about the campaign, both of which were broadcast on television and social networks after the *campaign*.



IV. CONCLUSION

22. Implementing these awareness activities over the last four years has produced encouraging results with regard to IP rights and has reached a range of groups (young people, companies, magistrates, administrative bodies, etc.).

23. It is also worth noting that, thanks to its proactive and hands-on approach, CEMAPI has diversified its portfolio of strategic partners and signed various partnership agreements to meet the specific needs of each partner.

[End of contribution]

ACTIONS OF THE MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY TO PROTECT AND ENFORCE INTELLECTUAL PROPERTY RIGHTS

*Contribution prepared by Mr. Aldo Arturo Fragoso Pastrana, Deputy Director General of Industrial Property, and Ms. Viviana Huerta García, Divisional Director of Promotion and Information Technology Services, Mexican Institute of Industrial Property (IMPI), Mexico City, Mexico**

ABSTRACT

The Mexican Institute of Industrial Property (IMPI) has carried out various activities to raise awareness of the negative effects of consuming IP-infringing content and goods, which continue and increase year after year. In addition, IMPI has measured data and results to obtain an overview of needs and progress in efforts to combat piracy.

The actions taken by IMPI include: collaborating with the main stakeholders relevant to intellectual property (IP) in order to combat piracy; conducting various seminars, courses, informative presentations and activities to promote respect to IP; carrying out actions to obtain strategic information to combat piracy; and taking steps to guarantee enforcement to add value to IP rights and punish infringements.

I. INTRODUCTION

1. The Mexican Institute of Industrial Property (IMPI) is committed to upholding intellectual property (IP) rights and combating piracy. Under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization, the concept of piracy is used to describe copyright infringements¹. In Mexico, however, the term “piracy” refers to the infringement of industrial property rights as well as copyright. Piracy causes harm to both right holders and users.

2. For that reason, IMPI has carried out various activities to raise awareness of the negative effects of consuming pirated content and goods, which continue and increase year after year. In addition, IMPI has measured data and results to obtain an overview of needs and progress in efforts to combat piracy. Information on the actions taken by IMPI follows.

II. PUBLIC-PRIVATE COOPERATION TO COMBAT PIRACY

3. During 2021, IMPI followed up on the various activities of the Anti-Piracy Working Group, which was established in 2019 and is made up of chambers of commerce, associations of IP right holders and businesses. Its aim is to raise awareness of IP rights and promote a culture of recognition and respect for the value of innovation and creative activity, as well as to share actions and good practices that strengthen a culture of legality and combat piracy and the

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

¹ For further information on the concept of piracy under the TRIPS Agreement, see paragraph 7.520 of the panel report in the case *China — Measures Affecting the Protection and Enforcement of Intellectual Property Rights* (DS362) before the Dispute Settlement Body of the World Trade Organization (available at: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds362_e.htm) and footnote 14 of the TRIPS Agreement.

consumption of pirated content and goods. Different authorities involved in IP rights and their enforcement are invited to the group.

4. On March 3, 2022, IMPI organized the first annual session of the Working Group to present the planned work plan for the year to the 16 members. Its pillars are:

- Pillar 1: share information and experiences in relation to combating piracy.
- Pillar 2: raise awareness of IP rights and the safe and legal use of legitimate products.
- Pillar 3: contribute to the National Survey on Piracy Consumption Habits².

III. INTELLECTUAL PROPERTY PROTECTION WEEK

5. In 2021, IMPI organized the third Intellectual Property Protection Week, which is held every year to develop different activities aimed at raising awareness of the negative impacts of consuming pirated content and goods. The actions taken are described in the paragraphs below.

A. INFORMATION AND AWARENESS-RAISING SESSIONS

6. IMPI, in collaboration with the members of the Anti-Piracy Working Group, organized informative presentations from December 6 to 17, 2021 on the following topics:

- Combating Piracy and Counterfeiting in Mexico;
- Protecting and Defending IP rights in the Software Industry;
- Risks of Digital Piracy;
- Strategies and Challenges Related to Protecting the IP of Mexican Micro, Small and Medium-sized Enterprises;
- The Role of IP in Protecting and Defending Signals in the Digital Era;
- The Importance of Protection and the Negative Effects of Consuming Pirated Content and Goods;
- Protecting and Defending IP Rights in the Publishing Industry in the Digital Era;
- IP in the Wine and Spirit Industry and the Negative Effects of Piracy in this Sector;
- Socio-economic Consequences of Piracy in Mexico;
- The Role of IP in the Film Industry and the Negative Effects of Piracy in this Sector;
- Linking Franchises and IP;
- Tequila: Combating Illegal Activities; and
- Combating the Market for Illegal Pharmaceuticals.

7. The 13 sessions were led by members of the Working Group and streamed on Facebook Live. They were also subsequently uploaded to the IMPI YouTube channel. The live sessions attracted an audience of 452 people and, as of the end of March 2022, they had been viewed more than 6,000 times.

² Further information on the National Survey on Piracy Consumption Habits can be found in section V below.

B. ONLINE SEMINAR

8. On December 7 and 8, 2021, IMPI, in collaboration with WIPO, organized an online seminar entitled *IP Protection: Alternative Means of Dispute Resolution*. The target audience was public officials and the aim was to inform them of alternative means of resolving IP disputes (negotiation, mediation, conciliation and arbitration) and the process of implementing such processes in Mexico and other countries.

IV. AWARENESS-RAISING ACTIVITIES THAT PROMOTE RESPECT FOR IP RIGHTS

A. LIVE PRESENTATIONS

9. IMPI periodically streams presentations on Facebook that are intended to inform the public about why it is important to respect IP rights, the negative effects of consuming pirated content and goods, and the administrative actions that IP rights holders can take. Between the beginning of 2021 and the end of March 2022, 14 events were broadcast, which, in total, attracted an audience of 757 people and were viewed more than 14,000 times.

B. ACTIVITIES AIMED AT CHILDREN AND YOUNG PEOPLE

a) Presentations in Courses and Workshops

10. The following presentations were organized in courses and workshops for young people:

- *Seminar on the Federal Law on the Protection of Industrial Property*. IMPI, in collaboration with Panamerican University, organized this seminar, which was held for the second time from September 24 to November 26, 2021. It was aimed at law students and lawyers and included modules on IP protection.
- *Project for Counselors on General Aspects of Industrial Property*. Between August 25 and September 10, 2021, IMPI, in collaboration with the National College of Professional Technical Education (CONALEP), brought together 3,500 young people enrolled in the College to obtain accreditation for their professional internships or social service through this project. IMPI included various modules in the program to raise awareness of piracy and the dangers of its consumption.
- *Summer course*. Every year, IMPI organizes a summer course for young people. The 2021 edition was held in collaboration with Anáhuac University and was focused on IP and health. It included modules on IP enforcement in health in the national and international contexts.

b) Creative Genius Competition

11. IMPI organized the *Creative Genius* competition to promote and raise awareness among young people of the importance of protecting creations. From July 22 to August 19, 2021, IMPI invited children and young people from 6 to 25 years of age to participate by making drawings, infographics and animated videos.

12. In total, 224 submissions were received and, on August 26, the top three entries in each category were revealed: drawing (6 to 11 years), infographics (12 to 17 years) and animated video (18 to 25 years). The committee judging the projects was made up of members of the Anti-Piracy Working Group.

c) Development of Audiovisual Materials

13. IMPI has developed various audiovisual materials, taking into account the perception of piracy in focus groups³ and in collaboration with the Anti-Piracy Working Group. The materials, which IMPI disseminates through the available channels on a regular basis, are:

- *Online Against Piracy* video. Between its debut in 2019 and the end of March 2022, this video has been viewed more than 57,000 times on Facebook, Twitter, YouTube and Instagram.
- Practical guides:
 - *The Fundamentals of Technological Protection Measures and Notice and Takedown Procedures*⁴. This document contains explanations of the provisions of the 2020 amendment to the Federal Law on Copyright.
 - *Stay Away from Piracy in the Digital Environment in a 2x6* document⁵. This document develops 12 recommendations that people can use to check that the sites they visit on the Internet are legal and have content that respects IP rights.
- *Stay Away from Piracy in the Digital Environment in a 2x6* video⁶. This is aimed at disseminating 12 recommendations to enable the public to check the Internet sites they are visiting and to avoid revealing their personal information and becoming a victim of a crime. Since it was first made available in 2020, it has been viewed more than 10,000 times as of March 2022.
- *Technological Protection Measures and Notice and Takedown Procedures: A Summary*⁷. IMPI published this video in 2020 with the aim of providing simple clarifications of the misconceptions surrounding the 2020 amendments to the Federal Law on Copyright. By the end of March 2022, it has had more than 8,000 views.

14. In 2022, IMPI will develop videos aimed at children. These will highlight the importance of respecting creative activity. The first video in the series, entitled *Creativity*⁸, was released in April.

C. GO FOR REAL CAMPAIGN

15. In 2021, the *High-level Economic Dialogue between Mexico and the United States* took place. It was agreed that IMPI would participate in the *Go For Real* anti-counterfeiting campaign launched by the United States Patent and Trademark Office and the National Crime Prevention Council.

³ These results are based on the National Survey on Piracy Consumption Habits described in section V below.

⁴ Available at: https://www.gob.mx/cms/uploads/attachment/file/598313/Lo_ba_sico_sobre_las_medidas_tecnologicas_de_proteccion_y_el_aviso_y_retirada.pdf (in Spanish).

⁵ Available at: https://www.gob.mx/cms/uploads/attachment/file/598314/Alejate_de_la_pirateria_en_la_red_en_un_2x6.pdf (in Spanish).

⁶ Available at: <https://www.youtube.com/watch?v=fP97i95s2ks> (in Spanish).

⁷ Available at: <https://www.youtube.com/watch?v=c-9icTa2LFk> (in Spanish).

⁸ Available at: <https://www.youtube.com/watch?v=-LzZo5EtbM0> (in Spanish).

16. IMPI will take part in the campaign by creating the Spanish-language version of the *Go For Real* website⁹. It will select the content to be translated for the campaign, develop the website and create a mascot to be used to promote the campaign.

V. CREATING STRATEGIC INFORMATION TO COMBAT PIRACY: THE NATIONAL SURVEY ON PIRACY CONSUMPTION HABITS

17. Since 2019, IMPI has conducted an annual survey on piracy consumption habits. This has a methodological basis that confers reliability and traceability on the results and enables standardized and comprehensive information to be obtained on the piracy consumption habits of the population nationwide.

18. Analysis of the results facilitates decision making in the business sectors affected by piracy, as well as the design of public policies to find areas of shared interest.

19. For the 2021 survey, 2,800 people were interviewed: 1,660 by phone and 1,140 online.

20. In 2022, IMPI plans to develop infographics using the results of 2021 survey with the aim of drawing attention to respect for IP rights and raising public awareness.

VI. ENFORCEMENT ACTIONS TAKEN BY IMPI

A. THE ENFORCEMENT FUNCTIONS OF IMPI

21. As detailed in Mexico's contribution to the thirteenth session of the Advisory Committee on Enforcement¹⁰, IMPI is responsible not only for protecting and promoting IP, but also for enforcing IP rights. New powers of IMPI in enforcing IP rights are detailed below.

22. There was historic progress in the protection system for IP rights with the recent reform of the Federal Law on Copyright¹¹ and the new Federal Law on the Protection of Industrial Property¹². These laws contain regulatory precepts from the Agreement Between the United Mexican States, the United States of America and Canada¹³, which represents progress in the protection and enforcement of IP rights as its Chapter 20, Section J establishes minimum guidelines that the signatory countries must transpose into their domestic legislation.

23. In order to comply with the provisions of the Agreement, the legislative branch, through the new Federal Law on the Protection of Industrial Property, granted IMPI new powers in the area of enforcement. The Law entered into force on November 5, 2020.

a) Provisional Measures

24. The new Federal Law on the Protection of Industrial Property broadens the scope of application of provisional measures. Interested parties may ask IMPI to adopt provisional measures in any customs procedure, including transit and transshipment. They may also request suspension, blocking, removal or termination in the digital environment. The scope of

⁹ Available at: <https://www.ncpc.org/goforreal/>.

¹⁰ Available at: https://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_13/wipo_ace_13_6.pdf.

¹¹ Available at: <https://wipolex.wipo.int/en/legislation/details/20225>.

¹² Available at: <https://wipolex.wipo.int/en/legislation/details/20034>.

¹³ Available at: <https://www.gob.mx/t-mec/acciones-y-programas/textos-finales-del-tratado-entre-mexico-estados-unidos-y-canada-t-mec-202730?state=published> (in Spanish).

inspection visits was also expanded to address the digital environment. IMPI is able to adopt *ex officio* provisional measures.

25. To impose and lift interim measures, the Divisional Directorate for the Protection of Intellectual Property of IMPI has to conduct a reasoned analysis of the likelihood of success on the merits of the case.

26. Unlike the previous Law on Industrial Property, which provided that, to lift a provisional measure, a counter-guarantee of 40 per cent had to be added to the guarantee offered by the applicant to ensure implementation of the provisional measure, the Federal Law on the Protection of Industrial Property does not impose any limitation and grants IMPI the power to lift the measure after analyzing and weighing the corresponding impact.

b) New Grounds for Infringement

27. The following was added to the existing list of infringements: (i) breaches of trade secrets and (ii) the use of a registered mark as a domain name.

c) Incidental proceeding on Damages

28. IMPI has assumed joint-competency that was previously the sole responsibility of the judicial branch, i.e., ordering offenders to pay damages to the affected right holder. At present, both IMPI and the civil judges in each state have this competency (in Mexico City alone, there are more than 80 judges with this power) and, in 2019, approximately 400 infringements of IP rights were reported.

d) Infringements Based on the Circumvention of Technological Protection Measures – Removal or Alteration of Rights Management Information

29. This is a completely new area in Mexican legislation, but not in international legislation. Right holders in Mexico have been calling for this enforcement mechanism for years. It is therefore expected that holders will choose to exercise this right.

e) Notice and Takedown System

30. This mechanism, which has existed in the legislation of other jurisdictions for more than 20 years and, in fact, was already being applied among the private sector, has been introduced into Mexican legislation. This is a provision that has been demanded in the industry for years and right holders are expected to turn to IMPI to avoid abuses in this area.

f) Conciliation Procedure

31. A specific chapter has been established to comply with the provisions of the Constitution of Mexico and international treaties. In accordance with this new procedure, parties may undergo a conciliation procedure with IMPI so as to negotiate and reach a possible settlement. This is because such a conciliation procedure creates greater legal certainty as it entails its execution and is considered *res judicata*.

B. RESULTS OF ENFORCEMENT ACTIONS TAKEN BY IMPI

a) Number of Actions Taken

	2020	2021	June 2022
Requests	2,100	2,692	1,346
Decisions	1,487	1,935	1,145
Inspection visits	1,352	2,080	1,578
Requested by agreement ¹⁴	835	909	1,102
At the request of a party	517	1,171	476

b) Seized Goods

	2020	2021	June 2022
Products	558,644	3,460,509	516,469
Value of goods (Mexican pesos) ¹⁵	11,308,324	47,504,372	11,723,951
Commercial value (Mexican pesos) ¹⁶	76,624,084	656,918,675	75,286,406

c) Fines

2020	Fines	Unit of Measurement and Update (UMA) ¹⁷	Amount (Mexican pesos)
Total	229	547,200	44,400,211
By decision	132	500,150	40,397,450
For refusal to comply with inspection visits	97	47,050	4,002,761
Businesses suspended	3		

¹⁴ Actions requested by agreement refers to actions (inspection visits) undertaken on the basis of agreements between different collective management associations or other private associations.

¹⁵ Value of goods refers to the value established at the time of the inspection visit.

¹⁶ Commercial value refers to the market value of the seized products.

¹⁷ The Unit of Measurement and Update (UMA) is the economic reference in Mexican pesos to determine the amount of payment from obligations and alleged assumptions provided for in the federal law, for the states and Mexico City, as well as in legal provisions emanating from all of the above; see <https://en.www.inegi.org.mx/temas/uma/>.

2021	Fines	UMA	Amount (Mexican pesos)
Total	171	525,000	43,047,540
By decision	101	494,950	40,374,200
For refusal to comply with inspection visits	70	30,050	2,673,340
Businesses suspended	7		

June 2022	Fines	UMA	Amount (Mexican pesos)
Total	104	324,900	28,291,605
By decision	50	200,250	16,690,285
For refusal to comply with inspection visits	54	124,650	11,601,320
Businesses suspended	6		

[End of contribution]

RECENT AWARENESS-RAISING ACTIVITIES OF THE NATIONAL AGENCY FOR INDUSTRIAL PROPERTY AND PROMOTION OF INNOVATION OF NIGER

*Contribution prepared by Mr. Yambeye Ibrahima, Director General, National Agency for Industrial Property and the Promotion of Innovation (AN2PI), Niamey, Niger**

ABSTRACT

Intellectual property (IP), a catalyst for economic growth, contributes to the socioeconomic and cultural development of countries and the well-being of their populations. The National Intellectual Property and Innovation Development Plan, established in 2020, and the strategic plan for the period 2018-2022 of the African Intellectual Property Organization (OAPI) have enabled the implementation of activities relating to various aspects of IP. This contribution is intended to highlight a number of activities carried out by Niger that have made it possible to increase the number of applications filed and approved. The targets of these strategies are law enforcement institutions, the judiciary, academia (research institutes and universities), businesses (small and medium-sized enterprises and other stakeholders, such as start-ups, business incubators and business support organizations), IP rights holders, young people and the general public.

I. MISSION OF THE NATIONAL AGENCY FOR INDUSTRIAL PROPERTY AND THE PROMOTION OF INNOVATION

1. Aware of the important role played by IP in contributing to the socioeconomic and cultural development of a country, the Nigerien authorities established the National Agency for Industrial Property and the Promotion of Innovation (AN2DP) under Law No. 2012-25 of May 2, 2012. In line with its aim to encourage the protection and use of IP, promote activities related to innovation and technological development and combat counterfeiting, the Agency organizes training workshops and seminars. Topics include: the protection of works; respect for industrial property rights; WIPO Technology and Innovation Support Centers (TISCs); the enforcement of rights; and the fight against counterfeiting, in collaboration with the judiciary, customs authorities and the police. There are also local awareness-raising campaigns, caravans and media exposure through spots and skits involving the relevant stakeholders (economic operators, universities, students, craftspeople, the judiciary, customs authorities, the police, traders, entrepreneurs, trade fairs and exhibitions, etc.).

II. SEMINARS AND WORKSHOPS

2. Between 2019 and 2021, the AN2PI conducted the following: an awareness-raising seminar for economic operators on protecting trade names (50 participants); a capacity-building seminar, aimed at magistrates, judicial officials and other judges working in commercial courts and specialized chambers of commerce at courts of appeal, on IP in general and the provisions of the Bangui Agreement to enable them to make fair and equitable decisions quickly (80 participants); an awareness-raising seminar on the protection of industrial designs for associations of craftspeople (23 participants); an awareness-raising workshop on industrial

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

property, TISCs and research outcomes for student researchers, administrative staff and students at the Zinder and Maradi universities and technological institutes (84 participants); and a training workshop for the focal points of TISCs on protecting research outcomes and using patent databases (30 participants).



III. LOCAL AWARENESS-RAISING CAMPAIGNS ON INDUSTRIAL PROPERTY PROTECTION

3. In 2019, awareness-raising campaigns, attracting almost 180 participants, were organized in five regions of Niger, namely Maradi, Zinder, Tahoua, Agadez and the Niamey Capital District. The aim of these campaigns was to ensure that the target actors (economic operators, inventors, researchers, craftspeople, schoolchildren and students) have the knowledge they need to use the industrial property system to protect the objects they use in their activities and the creations developed.

4. In 2020, awareness-raising campaigns were also conducted in six regions of Niger, namely Maradi, Zinder, Tahoua, Dosso, Tillabéri and the Niamey Capital District, to make hundreds of people and actors in the field aware of the need to protect their works.

5. Two local awareness-raising activities for economic operators, teachers, researchers and other actors in the Tahoua, Agadez, Tillabéri Dosso, Maradi and Zinder regions were also organized in 2021, reaching 459 people through a number of events.



IV. MAKING AND BROADCASTING SKITS AND SPOTS ON PROTECTION AND RESPECT FOR INDUSTRIAL PROPERTY RIGHTS

6. Every year since 2018, skits on protection and respect for industrial property and industrial designs have been broadcast regularly on prime-time television in French, Hausa and Zarma (see skit and spot).



V. CARAVAN, PARTNERSHIP DAY, AWARENESS-RAISING AND LOCAL DOOR-TO-DOOR ACTIVITIES

7. A caravan was organized in order to get the population of Niamey and the surrounding area better acquainted with the OAPI national liaison structure.

8. A partnership day was organized to introduce traders, entrepreneurs and craftspeople to one another and thereby create an opportunity for exchanges. A total of 12 sectors of activity (including health) were targeted. In the same context, the Agency also made visits to research centers.

9. On September 13, 2019, as part of the celebration of the twentieth annual African Day for Technology and Intellectual Property, on the theme of climate change and IP, the AN2PI organized an open-house event and a conference on protecting and enhancing the value of research outcomes.

10. Awareness-raising activities have taken place door-to-door and at trade fairs and exhibitions on a twice weekly basis. The images below show a local awareness-raising campaign with 20 participants on the benefits of protecting industrial property assets.



VI. NIGERIEN DRAFT ANTI-COUNTERFEITING LAW

11. This draft law was approved by all relevant public and private stakeholders at a workshop held on April 16, 2019, at Homeland Hotel in Niamey.

12. It was then presented at a capacity-building seminar for magistrates, judicial officials and other judges working in commercial courts and specialized chambers of commerce at courts of appeal who, in turn, suggested important amendments. The National Copyright Office is expected to submit its comments on these amendments to the General Secretariat of the Government.

[End of contribution]

THE 2020/21 INTELLECTUAL PROPERTY AWARENESS-RAISING CAMPAIGN FOR SCHOOL STUDENTS, TEACHERS, PARENTS AND THE LOCAL COMMUNITY IN OMAN

*Contribution prepared by Dr. Maya Al 'Azri, Educational Expert and Director, Department of Innovation and the Scientific Olympiad, Ministry of Education, Muscat, Oman**

ABSTRACT

The Ministry of Education, in cooperation with the World Intellectual Property Organization (WIPO), conducted an intellectual property (IP) awareness-raising campaign during the second semester of the academic year 2019/2020. The idea of the campaign was to raise awareness of the importance of protecting innovative ideas, whether relating to literary or scientific intellectual works, in order to safeguard their rights, by identifying different types of intellectual property, ways of protecting it and the consequences of infringement. The campaign, which targeted schoolchildren in particular and society in general, included: workshops with specialists from various bodies; competitions at various levels; the hashtag campaign #Let's_protect_our_ideas; designs by students on raising awareness of the importance of protecting IP rights, published via the campaign hashtag on the Ministry's accounts; and continuous tweets, posted on the Ministry's Twitter and Instagram accounts, addressed to schoolchildren and parents. The campaign targeted 3,000 beneficiaries from various groups. In addition, the Ministry ran virtual programs on IP during the pandemic period, in the academic year 2021/22.

I. CAMPAIGN PLANNING

1. The campaign included a number of activities implemented in cooperation with various relevant government bodies. As an initial step, specialists in the Department of Innovation and the Scientific Olympiad identified the programs to be included in the campaign and developed a campaign implementation timeline. Following campaign coordination with WIPO, the Department liaised with the participating bodies. These encompassed government, educational and research institutions including the Sultan Qaboos University Innovation and Technology Transfer Center, the Scientific Research Council and the Applied Colleges of the Ministry of Higher Education. Each one identified the programs that it would implement, indicating the target group and the implementation period.
2. Campaign awareness materials were also prepared, including documentation for students comprising interactive PowerPoint and video presentations and lecture themes for teachers and specialists, in coordination with lecturers from various bodies. In addition, the Department of Innovation and the Scientific Olympiad prepared and reviewed the academic content for the competitions and designed and approved the methods for presenting the competitions to the target groups. Furthermore, campaign promotional tools were received from WIPO and used in various activities, including souvenirs, shirts and pamphlets for students and teachers and compact discs, bracelets and medals for the winners of various competitions. The activities were implemented according to plan until 5 March 2020, when it was decided to suspend all in-

* The views expressed in this document are those of the author and not necessarily those of the Secretariat or of the Member States of WIPO.

school and out-of-school activities because of the precautionary measures to confront the coronavirus outbreak.

II. CAMPAIGN PROGRAMS

3. A number of programs were implemented during the awareness campaign, targeting various sectors including teachers, students, parents and society in general. These programs are reviewed below.

A. INTERACTIVE WORKSHOPS

4. The workshops, held in schools and innovation incubators, included worksheets designed for students according to their age group. Care was taken to ensure that the workshops were attractive and interactive. Students were introduced to the various types of intellectual property (IP) by means of video presentations, short theatrical sketches and presentations of some products with the type of protection possible for them.

5. The workshops also included stories about patents, copyright, geographical indications and trademarks. Teachers and specialists trained in the fundamentals of IP rights took part in the provision of these workshops. There were also practical workshops on making innovative products by recycling available environmental materials, in which students designed a new product or developed an existing one, which touched on ways of protecting and making use of innovative ideas.



B. LECTURES AND WORKSHOPS

6. Aimed at teachers, curriculum specialists and supervisors, these lectures and workshops addressed the fundamentals and importance of different types of IP rights, such as patents, trademarks, industrial designs, copyright and related rights, geographical indications, traditional knowledge and trade secrets. In addition, they addressed the terms and conditions for the granting of a patent and provided examples of patent databases and the types of documents and publications contained therein. Lectures were given by specialists from various government institutions such as the Sultan Qaboos University Innovation and Technology Transfer Center, the Scientific Research Council and professors from the Applied Colleges of the Ministry of Higher Education. Some of the teachers who received training in the fundamentals of intellectual property also contributed by transferring knowledge to their fellow teachers in schools in various governorates.



C. COMPETITION

7. Two types of competitions were designed for various target groups. Engaging, interactive competitions for students in schools were designed using *Kahoot!*, where a number of questions on IP were printed in multiple-choice format to measure students' knowledge of concepts after having attended the interactive workshops. As well as imparting new knowledge about IP types and concepts, the competitions added a lovely dimension of interaction between students in which their new knowledge was tested.



8. These in-school competitions were scheduled to run until April 16, 2020, in addition to the campaign activities, scheduled for implementation during National Science Week from March 8 to 12, 2020. However, as a result of the exceptional global circumstances associated with the COVID-19 pandemic, the Ministry decided to cancel all activities in schools, including National Science Week. The government also decided to suspend study in all educational institutions from March 15, 2020. The competitions therefore took a different course and the focus shifted to programs offered remotely, through various social media.

9. The second type of competition, directed to all sectors of society, was a questions and answers competition on IP. The competition, organized in cooperation with the Sultan Qaboos University Innovation and Technology Transfer Center (Center), was broadcast through the social media accounts of the Ministry and the Centre on Twitter and Instagram and ran until April 26, 2020, World IP Day. The response to the competition at home and abroad was considerable, and medals and in-kind prizes were awarded to three winners daily.

10. The Ministry, with other national authorities, participated in the celebration of World IP Day virtually, through various elements including virtual dialogues, video reports showing institutional cooperation and communication in the field of IP and videos illustrating inventors' journeys, among others.

D. MEDIA PROGRAMS

11. The awareness campaign was accompanied by social media programs. These included the launch of the *#Let's_protect_our_ideas* hashtag, through which awareness messages were released on the Ministry's accounts on all social media sites, which have more than 244,000 followers from various segments of society. The messages published introduced IP, its different types, ways of protecting it and the consequences of infringement. Schools and other government bodies also participated by publishing their campaign-related activities on their official accounts.



E. AWARENESS POSTERS

12. These are designs submitted by students expressing their understanding of intellectual property and the importance of protecting it from infringement. All schools were invited to take part in preparing awareness posters under the supervision of teachers, and the designs were published via the campaign hashtag. Through their designs, students presented awareness messages about IP, the need to protect it and the consequences of infringement to the community.



F. NATIONAL ACTIVITIES

13. Although the campaign programs officially started at the beginning of the second semester of the academic year 2019/2020, some activities at the national level were carried out at the end of the first semester, for which it was important not to overlook IP awareness as they attracted hundreds of thousands of visitors from various parts of society. The Ministry of Education organized the second Oman Science Festival from November 4 to 8, 2019, which drew more than 184,000 visitors and comprised more than 350 activities organized by more than 67 government, military, private and civil society institutions. The festival, organized by the Ministry of Education on a



biennial basis, targets all sectors of society and presents all branches of science in an interactive and informal manner. This approach contributes to creating a positive inclination towards the sciences, encourages young people to pursue the study of scientific specializations and enhances their creativity and innovation skills so that they can contribute to the knowledge economy. These activities are co-sponsored by various government and private institutions, with substantial support from the private sector.

14. The Oman Science Festival included an intellectual property corner, in cooperation with the Sultan Qaboos University Innovation and Technology Transfer Center, through which a number of activities for visitors were implemented, such as informative competitions using IP question and answer sheets and the distribution of brochures and printed materials on the types of IP and the ways of protecting it. The corner also contained an interactive game, aimed at innovative school, college and university students, in which players followed a path or road to establish a company, including a number of stops and stages, and thereby obtained an immersive experience of company set-up and marketing. Care was taken to place the IP corner



next to the scientific innovations exhibition, which included 35 innovations from several bodies, namely: the Ministry of Education; Sultan Qaboos University; Applied Science colleges; private colleges and universities affiliated with the Ministry of Higher Education; and technical colleges affiliated with the Ministry of Manpower. Students participating in the corner presented their innovations in various fields, and IP specialists contributed by responding to students' queries about how best to protect innovations.

15. In addition to the IP corner, WIPO participated in the festival by organizing a national workshop for primary and secondary school teachers. WIPO experts and four specialists representing the Intellectual Property Department in the Ministry of Trade and Industry, the Sultan Qaboos University Technology Transfer Center and technical education colleges took part in implementing the workshop, which presented a wealth of IP knowledge and applied practices.



16. The workshop covered many topics, such as WIPO Academy educational programs on IP, national and regional perspectives on the adaptation of IP education, methodologies for teaching innovation at different levels in the education system and academic sessions on the preparation and adaptation of lessons on copyright, trademarks and other aspects of IP.

G. THE MOBILE FABTECH LAB

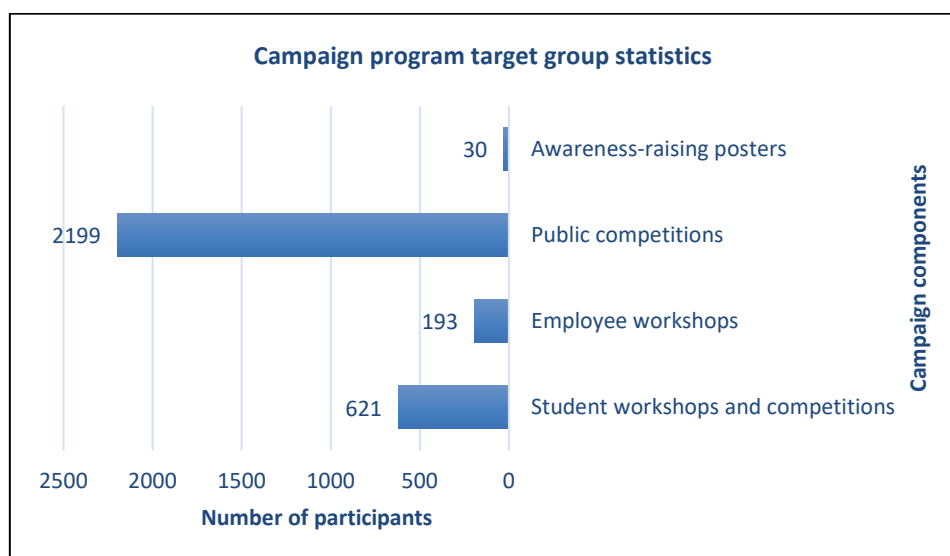
17. The programs approved in the campaign implementation plan included the provision of IP awareness programs through the FabTech Mobile Lab, a bus equipped with manufacturing technologies such as three-dimensional printers which travels around the various governorates offering workshops on innovation in schools. The Lab is one of the Ministry's public-private partnership projects. In view of the suspension of activities and study, the approved programs were not implemented during the academic year 2019/2020. Yet, since students returned to school in 2022, the laboratory began to implement activities in early February 2022.



H. CAMPAIGN STATISTICS

18. The number of students, teachers and other sectors of society reached by the campaign indicates the positive impact that it has had through its various programs, despite the exceptional circumstances that the education sector faced during the academic year 2019/20. The overall number of persons reached was 3,043. Although it was planned to target a much higher number through the campaign in view of the activities that would normally have taken

place in Omani schools, the current circumstances have opened up prospects for thinking about creative ways of communicating information and focusing on educational programs for distance learning. The chart shows the number of persons targeted by the campaign, broken down by programs.



III. INTELLECTUAL PROPERTY PROGRAMS IN OMAN IN THE ACADEMIC YEAR 2021/22

19. During the academic year 2020/2021, education in Oman was mostly virtual, due to the pandemic; consequently, a number of IP-related programs were provided in virtual format, including:

- Virtual training workshops for teachers and students entitled *Our Sustainable Environment* were implemented by the Ministry during National Science Week from March 21 to 25, 2021. National Science Week programs also included a competition for school students in grades 5 to 12 entitled *Our Environment Through Our Children's Lens*, which aimed to discover their photographic talents and how to protect their creative artistic works.
- An awareness-raising cartoon entitled *Fatimah and the Flying Robot* was prepared, targeting young students, to promote awareness about the importance of protecting their innovative ideas and ways of doing so. The cartoon was shown to students during virtual workshops held by the Department of Innovation and the Scientific Olympiad and was also shown when students returned to school during the second half of 2021.
- Neeam bint Zahran Al-Harrasi, an innovative student in grade 10, was awarded the title Intellectual Property Youth Ambassador for Oman, the first in the Arab region¹. Neeam's first activity in Oman was to deliver a presentation for innovative students to raise awareness of IP and how to protect it at the National Exhibition of Student Scientific Innovations held in Muscat from March 28 to 20, 2022.
- Training workshops were held in October and November 2021 for teachers and specialists in innovation departments and the Scientific Olympiad on IP, its importance, ways of protecting it and the associated procedures. Specialists from the National Intellectual Property Office of the Ministry of Trade and Industry and

¹ Her story is published on the WIPO website: www.wipo.int/academy/en/news/2022/news_0010.html.

Investment Promotion were involved in the presentation of these workshops. Similar workshops were held for teachers supervising student scientific innovations from various governorates during the National Exhibition of Student Scientific Innovations in March 2022.

[End of contribution]

CONSUMER ATTITUDES AND AWARENESS IN THE PHILIPPINES – RESULTS AND LESSONS LEARNED FROM DEPLOYING THE WIPO CONSUMER SURVEY TOOLKIT

*Contribution prepared by Mr. Nelson P. Laluces, Deputy Director General for Administration, Registration and Adjudication, Intellectual Property Office of the Philippines (IPOPHL), Taguig City, Philippines**

ABSTRACT

The Philippines acted as the pilot country for the deployment of the WIPO Consumer Survey Toolkit, with the intention of establishing a baseline for the level of awareness of intellectual property (IP) in the Philippines and the general perception of the effects of the use of counterfeit goods. The survey also measured the impact of public awareness-raising campaigns on IP carried out by the Intellectual Property Office of the Philippines (IPOPHL).

This contribution summarizes the results of the surveys and describes the challenges faced in implementing the project.

I. INTRODUCTION

1. Apart from the book readership survey conducted by the National Book Development Board in 2012, no mechanism had been developed to measure the level of public awareness of intellectual property (IP). The Intellectual Property Office of the Philippines (IPOPHL) was therefore grateful for the opportunity to pilot the deployment of the WIPO Consumer Survey Toolkit¹ in the Philippines, with the intention of establishing a baseline for the level of awareness of intellectual property (IP) in the Philippines and the general perception of the effects of the use of counterfeit goods. The survey also measured the impact of the IPOPHL's public awareness-raising campaigns on IP.

2. IPOPHL conducted the survey based on the questionnaire templates on digital products and consumer products, both of which had a different set of respondents.

3. WIPO funded the project with funds-in-trust provided by the Ministry of Culture, Sports and Tourism of the Republic of Korea and allowed IPOPHL to include additional questions on IP in general. Any additional expenses incurred were covered by IPOPHL.

II. METHODOLOGY USED

4. Respondents were recruited randomly door-to-door, using multi-stage random sampling to ensure good representation of the target market. This meant that every sixth household in each local community was chosen until the sample size for the area was achieved. In every household, the personal details of each member were recorded and a respondent was chosen using the last-birthday method². Each interview lasted for an average of 50 minutes.

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¹ See <https://www.wipo.int/publications/en/details.jsp?id=4240>.

² In order to make a random selection, the respondent chosen for interview is the person in the household who most recently celebrated a birthday.

III. RESPONDENT PROFILE

5. The study had two sets, matched in terms of demographic profile and recruited from the same local communities to minimize differences in other aspects. A total sample of n = 2000 (1000 per set) was recruited, with interconnecting regional quotas used in line with the general population of the region and sub-region, and gender and age group distribution, among other factors.

6. The respondents for the surveys included men and women, between 18 and 65 years of age, employed and unemployed, from households from all socio-economic categories (ABCDE) in both rural and urban areas. For the survey on Consumer Goods, however, it was necessary to identify the main shopper or the companion of the main shopper in the household.

7. Male and female respondents were equally distributed, with most living in rural areas (53 per cent). The majority of the respondents were from Mindanao (23 per cent), while only 14 per cent were from the National Capital Region (Metropolitan Manila). As to household category, the majority belonged to category D³, while 41 per cent had full time jobs. Most were also between 20 and 39 years of age.

IV. CHALLENGES AND LIMITATIONS IN IMPLEMENTATION

8. At the start, there was a delay in signing the Memorandum of Understanding with WIPO as the draft Memorandum had to be reviewed by the Department of Foreign Affairs of the Philippines. Furthermore, the survey documents had to be submitted to the Philippine Statistics Authority (PSA) before the Intellectual Property Office of the Philippines (IPOPHL) could start working on the project because, under Republic Act No. 10625 (Philippine Statistical Act of 2013), government agencies conducting nationwide surveys must obtain clearance from PSA. This includes approval of the survey tools, questions and methodology.

9. As this was the first nationwide survey carried out by IPOPHL, there were also some delays in procurement as suppliers who took part in the bidding process were unable to fulfill the requirements under the terms of reference. As a result, IPOPHL had to restart the procurement process owing to bidding failures.

10. The surveys were conducted in 2021 when the country was in lockdown because of the COVID-19 pandemic. The field interviewers were therefore unable to access certain areas due to lockdown restrictions. Quarantine levels also suddenly increased during the period when the field interviews were being conducted, which meant regional travel was not possible for some time, causing a delay in implementation. Translating the questionnaire into a number of dialects for respondents in different provinces was also a challenge as some IP-related words have no direct translation.

11. For the consumer products survey, most of the grocery items identified by the respondents were those classified as essential products as a result of the survey being conducted during the pandemic. Financial limitations also affected the capacity of some respondents to purchase grocery items owing to business closures and the inability of some people to work during the pandemic.

³ The economic categories were as follows: AB – upper, C1 – upper middle, C2 – lower middle, D1 – upper lower, D2 – lower, D3 – below poverty, E1 and E2 – below subsistence (extremely lower).

V. RESULTS

A. DIGITAL PRODUCTS

12. Results showed that most of the respondents used the Internet for more than four hours per day, mostly in the younger age groups and in urban areas. Internet activities primarily consisted of browsing sites and listening to music.

13. While most of the respondents were aware of how they could obtain genuine digital copies of movies, music, video games and so on, they also knew how to obtain illicit copies for free online, as well as from friends or family, with a significant proportion of the respondents admitting to using such methods. The cost and convenience of getting an illicit copy were the top reasons for opting for illicit copies of digital products. The majority of those who said that they were aware of and had used illegal means of obtaining movies and music, such as downloading for free from online sources, ripping from YouTube, copying files from friends and buying illicit copies, belonged to socio-economic categories A, B and C and the younger generation. For books, second-hand purchases or borrowing were the most popular methods of acquiring copies. Awareness of illicit sources for e-books was highest among the younger age groups.

14. The majority of users of illicit copies were found to be worried about the penalties if they were caught accessing those copies. There were also concerns about potential problems encountered with their computers. Although they recognized that there were also wide selections of genuine items, a few respondents still tried to justify their actions in relation to television programs, music, video games and books.

15. Looking at industry-specific statements, support for artists was recognized as a reason for buying genuine copies. However, there were also those who believed that the film and television industries already made too much money. Nonetheless, the majority of the respondents were aware that purchasing illicit copies had a negative impact on the industry. The respondents said that offering cheaper and more convenient ways to obtain genuine copies might help to stop piracy. Government approval, genuine seals or endorsement, site reputation and consumer education might further help them to differentiate genuine and illicit copies. The price of the item, the appearance of the relevant website and reviews also gave respondents indications of a product's authenticity.

B. CONSUMER PRODUCTS

16. Regarding items that the respondents knew were counterfeit⁴, the answers primarily concerned clothing and entertainment (DVDs and music CDs). Notably, those from Mindanao, where most of the respondents resided, had less awareness of counterfeit goods.

17. Among the available counterfeit items, clothing was declared to be the most commonly purchased item, having been bought by more than half of respondents, followed by DVDs. The purchasing of counterfeit clothing and mobile chargers and accessories was found to occur among all age groups and household categories, while counterfeit DVDs or CDs were more common among those between 40 and 49 years of age. Geographically, counterfeit mobile accessories were the items most bought in urban areas. Most counterfeit items were found either in market stalls or from street sellers, regardless of the products concerned.

⁴ The survey defined counterfeit goods as "goods, including packaging, bearing without authorization a trademark which is identical to the trademark validly registered in respect of such goods, or which cannot be distinguished in its essential aspects from such trademark".

18. Most of the respondents who bought the items knew that they were counterfeit, and some of those who did not know said they would still buy the items even with the knowledge that they were counterfeit. The inability of many of the respondents to afford genuine items drove them to choose counterfeit ones. Half also believed that genuine items already cost too much and they therefore opted not to buy branded products but bought counterfeit products.

C. CONCLUSIONS

19. One of the main gaps identified in the survey is that information on IP is still not widely disseminated and discussed. It is not enough to educate the public about the benefits that protecting their IP has for them, but also about the benefits of IP for the country and the people in general and why it needs to be respected. A more aggressive and widespread campaign informing the public on the risks of buying and using counterfeit and pirated products should also be done. Brand owners could include taglines supporting IP or a warning to the public not to buy fake products in their advertisements.

20. Stricter enforcement of the law and imposition of higher penalties for those selling counterfeit and pirated products will discourage and prevent people from engaging in these activities. The government should develop, adopt, and implement anti-counterfeit and anti-piracy policies in their institutions.

VI. LESSONS LEARNED AND OUTLOOK

21. Some practical lessons learned may be useful for other countries wishing to deploy the WIPO Consumer Survey Toolkit.

22. On the implementation of the survey, it is better to outsource it to a third-party service provider if a national IP Office does not have the capacity – skills or manpower – to conduct a large-scale survey. To ensure a smoother process, the IP Office should research if there are certain requirements or laws that should be followed for the conduct of a nationwide survey and consider potential risks and issues so that they could be addressed beforehand.

23. Before implementing the survey, the IP Office should also have a list of IP-related terms or definitions translated in all dialects as said terms may not be common to the public. If possible, the IP Office should also already translate the questions of the survey into all languages or dialects beforehand.

24. Looking ahead, IPOPHL is now developing a communications campaign to reduce consumer demand for infringing products, based on the insights obtained from the execution of the survey.

[End of contribution]

CURRENT INTELLECTUAL PROPERTY AWARENESS ACTIVITIES IN THAILAND

*Contribution prepared by Mr. Porsche Jarumon, Senior Trade Officer, Department of Intellectual Property (DIP), Ministry of Commerce, Nonthaburi, Thailand**

ABSTRACT

Nowadays, intellectual property (IP) is viewed more in the context of economic growth. IP is becoming very important for businesses and is forcing them to actively manage their IP rights as a key-driver to sustain their competitive advantage. The DIP realizes that most small and medium enterprises in Thailand have not yet incorporated IP strategies into their business plans. In the past year, the DIP focused on a reverse-marketing strategy aiming at proactively reaching out to businesses and providing them with the information they need. The activities aim at raising awareness on how they can benefit from IP and include campaigns targeting young entrepreneurs, viral short video clips, a DIP TV Channel, influencers' announcements. IP training in schools, universities and classes is also provided.

I. BACKGROUND

A. THAILAND 4.0 POLICY

1. Thailand's economy is driven mainly by exports and tourism. Products and services involving innovation or advanced technology constitute a very small portion of the total export value; most of them are also the result of foreign investment and derive from foreign technology. Unfortunately, Thailand is still in the middle-income trap, where economy is mainly driven by low value added industry.

2. To enable Thailand to overcome the middle-income trap and become a high-income country, it is necessary for the country to have its own innovation and advanced technologies. This recognition is also in line with the Thailand 4.0 Policy announced by the government which is the model that aims to unlock the country from economic challenges resulting from past emphasis on agriculture (Thailand 1.0), light industry (Thailand 2.0), and advanced industry (Thailand 3.0). Under this policy, all relevant agencies including the DIP have endeavored to promote the Thai people's creativity and innovation and protect their intellectual property (IP) rights to increase the competitiveness of the Thai business sectors in both domestic and foreign markets.

B. THE NEW VISION OF THE DIP

3. The four main responsibility pillars of the DIP are promoting IP creation, IP commercialization, IP protection, and IP enforcement for the Thai people. In the past, the DIP mainly focused on IP protection and IP enforcement. However, during the past couple years, the DIP has reprioritized its goals to place more emphasis on IP creation and commercialization as they are essential to creating a strong foundation for Thailand's economy to grow and flourish sustainably in the future.

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II. RECENT DEVELOPMENTS

4. The DIP has been creating IP awareness among Thai people, especially researchers, creators, and entrepreneurs through various activities and channels as follows:

A. ESTABLISHMENT OF THE IP ADVISORY CENTER (IPAC)

5. The DIP has established the IP Advisory Center (IPAC) in 2021 as a one-stop service unit to provide IP consultation and knowledge in all IP areas to interested persons via both offline and online channels including social media such as Facebook, Instagram, Twitter and LINE. Each month, IPAC provides consultations on more than 800 IP cases, with more than 70 percent related to trademarks and patents. The DIP expects that when people have acquired enough understanding of IP, they will be able to create valuable IP that can be commercialized and generate revenue for the individual and the country.

B. ESTABLISHMENT OF A NETWORK OF TECHNOLOGY AND INNOVATION SUPPORT CENTERS (TISC)

6. On August 13, 2021, the DIP signed a Memorandum of Understanding with 10 higher education institutions located in different regions of the country to establish a network of Technology and Innovation Support Centers (TISC). Since then, the DIP has carried out various activities with members of the network to build capacity relating to general IP knowledge, IP management and patent search using both free and commercial patent databases. We expect that each TISC can provide IP consultation on par with the IPAC and become an IP hub for researchers and entrepreneurs in its area.

C. ORGANIZATION OF THE REALITY SHOW *THE PITCHING*

7. Acknowledging that IP is oftentimes difficult for the public to understand, the DIP developed a reality show called *The Pitching*, which aims to harness a popular genre for educating the public on IP. In the show, 20 candidate-entrepreneurs from different industry sectors pass an audition and are divided into four teams each led by a Thai celebrity. Throughout each of the six episodes, important IP messages are conveyed in a simplified manner by the celebrities to effectively capture the audience's attention. The DIP also leveraged online platforms, such as Youtube and Facebook, to extend the reach of the show to more than two million views for the first season.

D. OFFLINE AND ONLINE SEMINARS

8. The DIP continues to organize and co-organize seminars through both offline and online channels. The seminars include a wide range of IP-related topics, from a general introduction to IP to drafting of patent applications, and target different audiences, such as university students, entrepreneurs, researchers from R&D institutions, etc.

E. REDESIGN OF THE IP MART PLATFORM

9. Recognizing the importance of IP commercialization, the DIP redesigned the user experience/user interface (UX/UI) of the existing IP MART platform to be more user-friendly. The IP MART platform serves as a place where IP creators can showcase their work to facilitate matches with potential buyers. The DIP also promotes the IP MART platform among potential networks, such as educational and R&D institutions (IP sellers) and the Federation of Thai Industries and the Thai Chamber of Commerce (IP buyers).

III. WAY FORWARD

10. The DIP will continue to carry out various IP awareness raising activities directed to the general population, as it believes that a greater understanding of IP is important to lay a strong foundation for a sustainable IP ecosystem, which will, in turn, lead to the creation of homegrown innovation and advanced technology in line with the expected results of the Thailand 4.0 policy.

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