**Advisory Committee on Enforcement: Sixteenth Session**
**Geneva, Switzerland January 31 to February 2, 2024**

# COORDINATION OF IP ENFORCEMENT IN CAMBODIA


BY

**EUNG CHHAYHONG**

DEPARTMENT OF INTELLECTUAL PROPERTY

MINISTRY OF COMMERCE, PHNOM PEHN, CAMBODIA

# Content

- IP Administration
- National Committee for Intellectual Property (NCIP)
- IP Enforcement Agencies
- National IP Policy

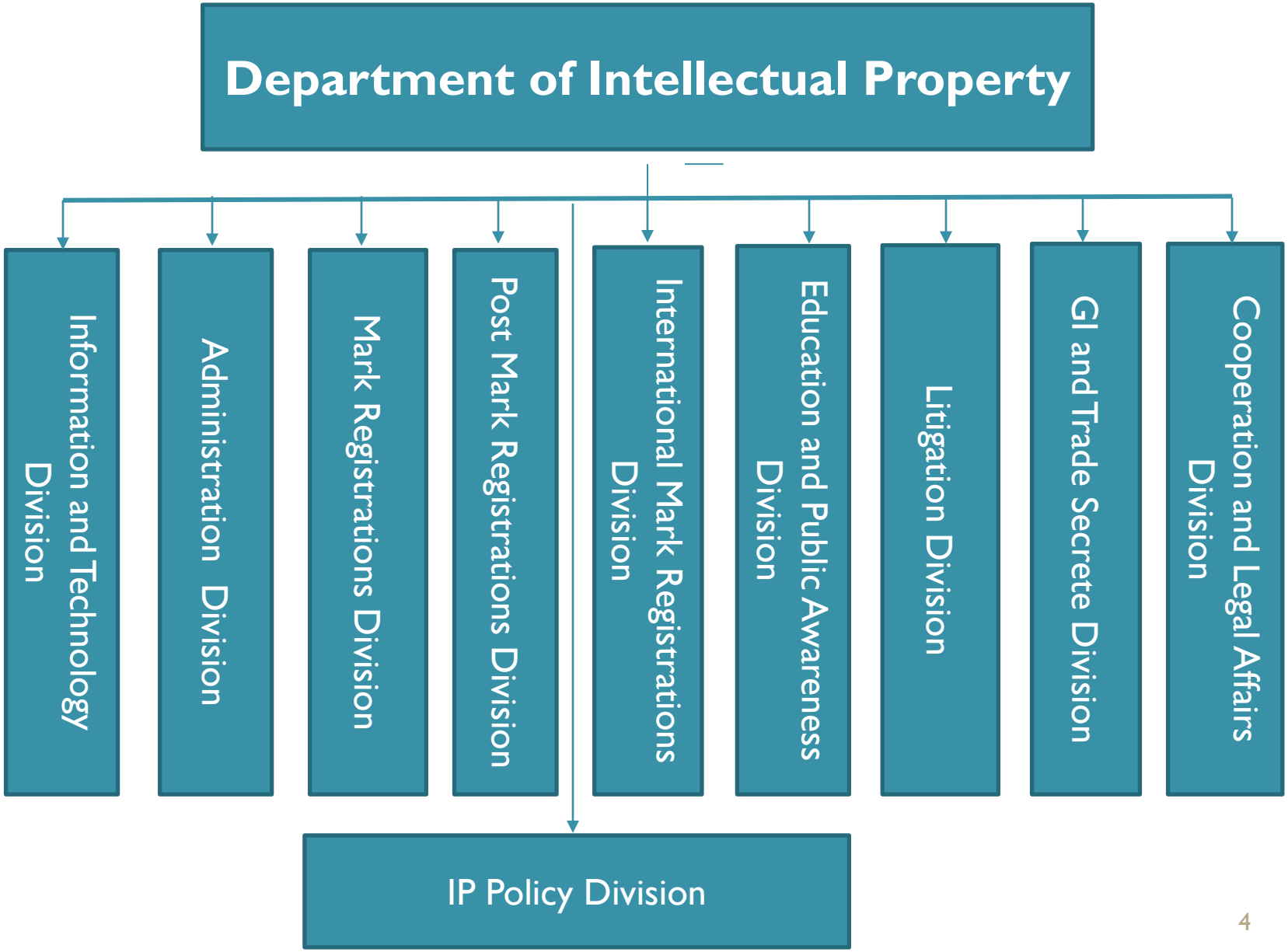
# Cambodia IP Administration

Three IP Offices:

a. **Department of Intellectual Property** (**DIP**), Ministry of Commerce: Trademark, Geographical Indication and Trade Secret
b. **Department of Industrial Property,** Ministry of Industry, Science, Technology and Innovation: Patent, Utility Model, Industrial Design and Plant Variety
c. **Department of Copyright and Related Rights,** Ministry of Culture and Fine Art: Copyrights and Related Rights

Each Department has a division responsible for handling for IP Enforcement in respective field.

# IP Department's Organizational Structures



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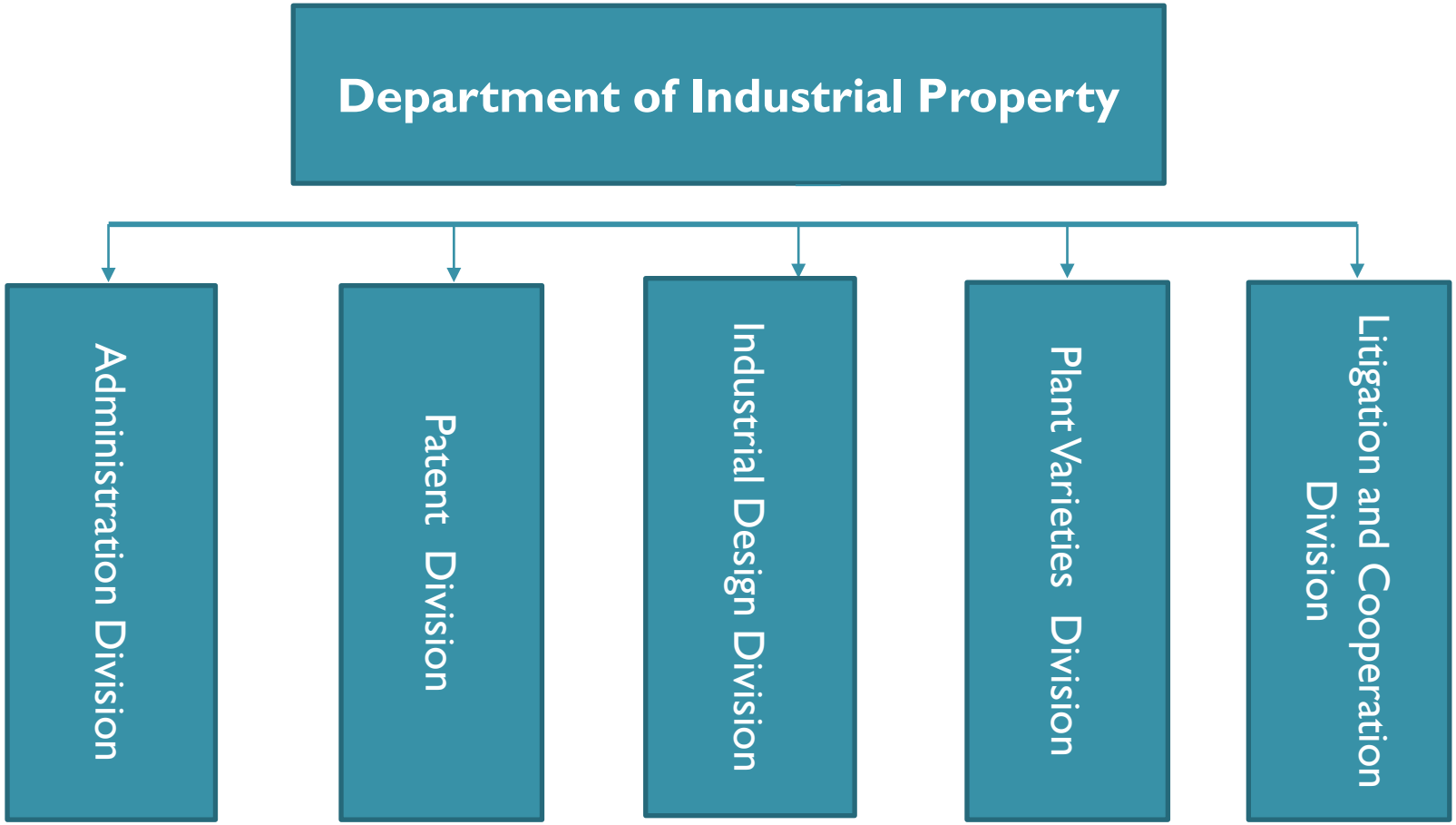

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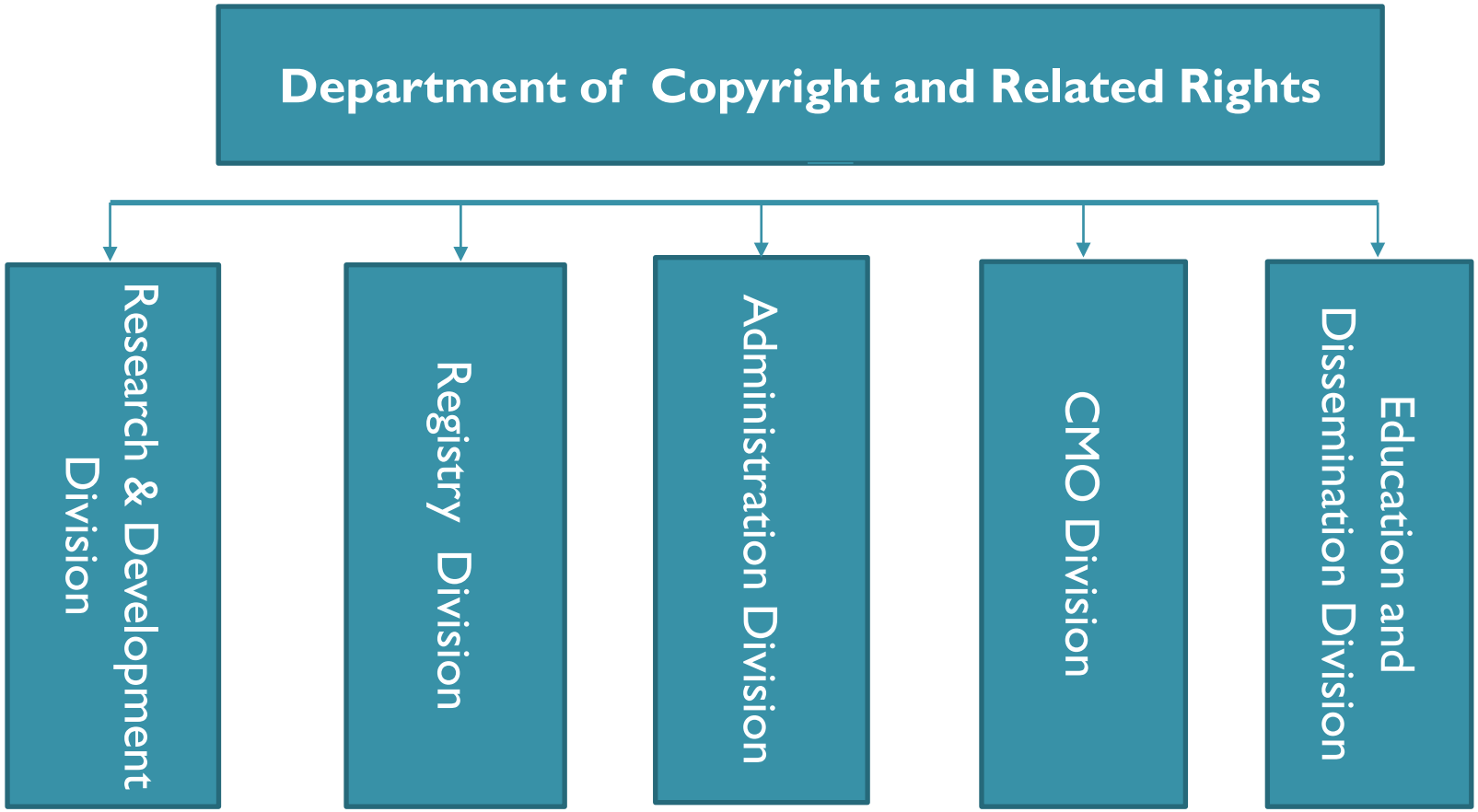


# National Committee for Intellectual Property (NCIP)

- NCIP is a government inter-agency body that formulates and implements action plans and policy, promote the use of IP as well as strengthen the protection and enforcement of IP in the country.
- Established in 2008 by the virtue of the Sub Decree No.142
- 14 Ministries as members
- In 2021, there was an amendment to the Sub Decree (No.206)
- Members have now expanded to include 17 Ministries

| | |
|---|---|
| 1- Minister of Commerce | Chairman |
| 2- Secretary of State of MISTI | Vice Chairman |
| 3- Secretary of State of MCFA | Vice Chairman |
| 4- Secretary of State of MEF | Vice Chairman |
| 5- Council of Prime Minister | Member |
| 6- Ministry of Interior | Member |
| 7- Ministry of Foreign Affairs and International Cooperation | Member |
| 8- Ministry of Agriculture Forestry and Fisheries | Member |

# National Committee for Intellectual Property (NCIP)

| | |
|---|---|
| 9- Ministry of Education, Youth and Sports | Member |
| 10-Ministry of Environment | Member |
| 11- Ministry of Information | Member |
| 12- Ministry of Justice | Member |
| 13- Ministry of Post and Telecommunication | Member |
| 14- Ministry of Health | Member |
| 15- Ministry of Tourism | Member |
| 16- Ministry of Women Affairs | Member |
| 17- Ministry of Labour and Vocational Training | Member |

# NCIP has the following main functions:

- Act as the focal point for coordinating bilateral or multilateral cooperation in the field of IP with other countries, international organizations and development partners to identify and implement projects and harness IP-related technical assistance;
- Collaborate to promote the drafting of IP-related laws and regulations and implement obligations arising from international treaties, agreements and conventions;
- Collaborate to promote the effective enforcement of IP-related laws and regulations in order to prevent and eliminate IP infringement, acts of unfair competition and other related infringements, including of genetic resources, traditional knowledge and cultural expressions;
- Collaborate on research and analyze the benefits and effects of accession to IP-related international agreements, conventions and treaties;
- Cooperate to prepare and promote the implementation of national IP policy and the NCIP action plan;

# NCIP has the following main functions:

- Collaborate with relevant ministries and institutions to disseminate IP laws and regulations and improve the knowledge and capacities of, inter alia, enforcement officers, trainers, IP professionals, the private sector and the general public;
- Collaborate with relevant ministries and institutions to integrate IP-related subjects into the curriculum of public and private educational institutions; and
- Prepare the annual IP report for the Royal Government.

NCIP has a Secretariat led by DIP comprised of technical officers from different ministries. Each member of the Secretariat will be the focal point for coordinating their respective IP affairs. As the head of the Secretariat, DIP takes an active role in leading the coordination and cooperation of IP affairs with relevant ministries, especially in providing capacity-building and IP expert testimony in infringement cases as requested.

# IP Enforcement Authorities

- IP Departments
- Consumer Protection Competition and Fraud Repression Directorate-General (CCF)
- General Department of Customs and Exercise of Cambodia under the Ministry of Economy and Finance
- Economic Police under the Ministry of Interior
- Courts

# IP Enforcement Statistics

## (NCIP Reports)

| | 2023 | 2022 | 2021 | 2020 |
|---|---|---|---|---|
| DIP | 9 Cases | 9 Cases | 10 Cases | 18 Cases |
| CCF | 663 Cases | 287 Cases | N/A | N/A |
| Economic Police | N/A | 6 Cases | 8 Cases | 10 Cases |
| Custom | N/A | 12 Cases | 11 Cases | 10 Cases |
| Court | N/A | N/A | 86 Cases | 53 Cases |
| | | | | |

# National IP Policy

- Endorsed by the Royal Government on 01 December 2023
- Vision of the policy is to develop the IP system of Cambodia as a driving force for the economy, trade, industry, culture, tourism and agriculture by promoting the protection of IP, branding Cambodian products and promoting the use of IP in the research and development of technological products, innovation and cultural industries, responding to the economic and social context of the digital and fourth industrial revolution, and contributing to achieving the vision of Cambodia for 2050.
- The focus of the policy is on the use of IP for the development of seven main areas: (1) agriculture; (2) trade and industry; (3) science and technology; (4) health; (5) culture; (6) tourism; and (7) education and public awareness.

# National IP Policy

Six strategic plans have been developed, with specific initiatives based on each field, have been drawn up to implement the policy:

**Strategy 1:** Develop IP-related laws and regulations that comply with international standards and meet Cambodia's social, economic and developmental needs.

**Strategy 2:** Modernize the IP administration and management system to strengthen institutions to manage IP-related tasks effectively and efficiently and improve the provision of IP services to the public.

**Strategy 3:** Build the human capital of IP agencies to enable them to implement and perform their tasks effectively and train other stakeholders.

**Strategy 4:** Disseminate and promote education and awareness of IP among small and medium-sized enterprises, relevant stakeholders and the general public.

**Strategy 5:** Establish mechanisms to strengthen IP enforcement, resolve IP disputes effectively and combat IP infringement and thereby build a society with trust and respect for IP.

**Strategy 6:** Promote the commercialization of IP rights to gain more economic value for IP owners.

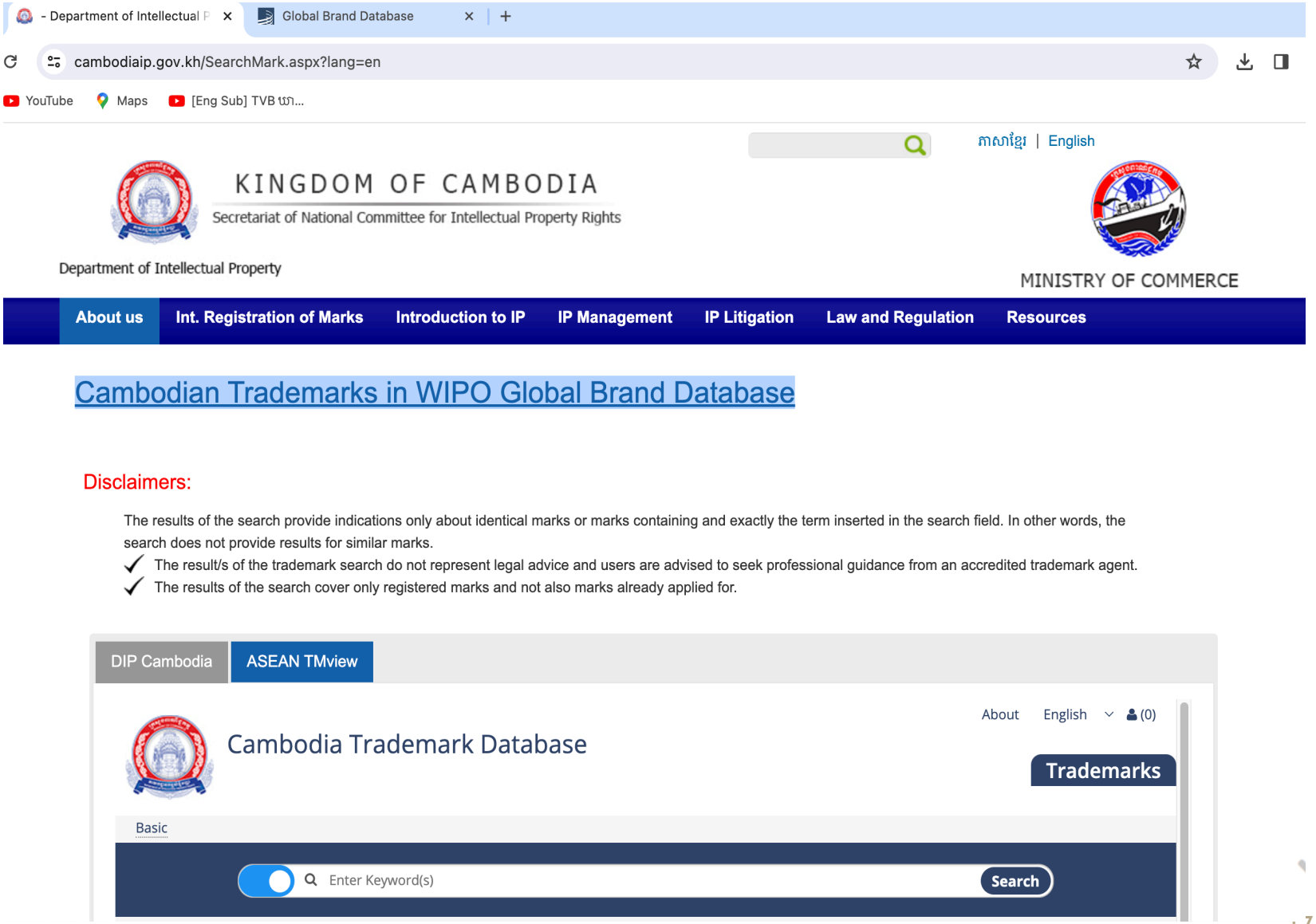
# National IP Policy

Under those strategies, the following main initiatives to strengthen and enhance IP enforcement have been established:

- Create an IP dispute resolution mechanism through commercial courts and promote non-judicial IP dispute resolution mechanisms to support trade and industry;
- Enact the IP-related laws and regulations required for effective IP rights protection and enforcement;
- Strengthen law enforcement to provide better protection of IP by promoting cooperation between law enforcement agencies, exchanges of information and experience in the use of information technology to combat counterfeit goods online
- Cooperate closely with the relevant authorities to combat the sale of counterfeit goods and other IP infringements
- Develop strategies and control systems to promote the protection of traditional knowledge and cultural norms, and strengthen law enforcement against the misuse of Cambodian genetic resources, traditional knowledge and cultural expression
- Take action to prevent the fraudulent use of Cambodian geographical indications, commodities, collective trademarks and other trademarks abroad;
- Build the capacities of IP law enforcement officers, IP practitioners especially IP agents and Lawyer
- Build the capacities of IP officers, travel agents and stakeholders, and promote the implementation of IP laws to increase consumer confidence in the quality, reliability, accuracy and authenticity of services and tourism products.

# www.cambodaiip.gov.kh

# www.cambodiaip.gov.kh/SearchMark.aspx?lang=en



CAMBODIA
Kingdom of Wonder

**THANK YOU FOR YOUR ATTENTION**

# El Consejo Interministerial de Propiedad Intelectual, CIPI-RD:

## Coordinación de la Observancia de la Propiedad Intelectual en la República Dominicana

## *Army Ferreira,* LL.M.

Jueza del Tribunal Constitucional de la República Dominicana.

Ex Procuradora Adjunta,

Coordinadora de la Unidad de Propiedad Intelectual y Erradicación del Comercio Ilícito

# Creación del Consejo Interministerial de Propiedad Intelectual (CIPI)

## Antecedentes

Comisión Nacional para la Protección de los Derechos de la Propiedad Intelectual

Decreto del Poder Ejecutivo No. 303-01, d/f 02/03/2001

## Actualidad

Consejo Interministerial de Propiedad Intelectual, CIPI-RD.

Decreto 776-22, 30/12/2022

# Creación del Consejo Interministerial de Propiedad Intelectual, CIPI-RD

Objetivo:

Órgano Consultivo

Creación de Políticas Públicas

Coordinación Interagencial

# Consejo Interministerial de Propiedad Intelectual de República Dominicana

Con el Decreto número 776-22, de fecha 30/12/2022, el CIPI está encargado de diseñar y coordinar los criterios de actuación de las instituciones del Estado en torno a la implementación de las políticas públicas que promuevan la propiedad intelectual, como herramienta propulsora del comercio, las inversiones, la innovación, la salud y la cultura, así como la observancia de los derechos de Propiedad Intelectual en la República Dominicana, en cumplimiento de la normativa interna y de los acuerdos internacionales que rigen la materia.

# Composición

- El Ministerio de Industria, Comercio y Mipymes (MICM), quien lo coordina representado por el Viceministerio de Comercio Exterior (VICOMEX).
- La Procuraduría General de la República (PGR), representada por su Unidad de Propiedad Intelectual (UPI).
- El Ministerio de Relaciones Exteriores (MIREX).
- El Ministerio de Salud Pública y Asistencia Social (MISPAS).
- El Ministerio de Agricultura.
- La Dirección General de Aduanas (DGA).
- La Oficina Nacional de Propiedad Industrial (ONAPI).
- La Oficina Nacional de Derecho de Autor (ONDA).
- El Instituto Dominicano de las Telecomunicaciones (INDOTEL).
- El Instituto Nacional de Protección de los Derechos del Consumidor (PROCONSUMIDOR).

MICM
MINISTERIO DE INDUSTRIA
COMERCIO Y MIPYMES
REPÚBLICA DOMINICANA

PROCURADURÍA GENERAL
DE LA REPÚBLICA

GOBIERNO DE LA
REPÚBLICA DOMINICANA
RELACIONES EXTERIORES

GOBIERNO DE LA
REPÚBLICA DOMINICANA
SALUD PÚBLICA

GOBIERNO DE LA
REPÚBLICA DOMINICANA
AGRICULTURA

PRO CONSUMIDOR
INSTITUTO NACIONAL DE PROTECCIÓN
DE LOS DERECHOS DEL CONSUMIDOR

indotel
Instituto Dominicano de
las Telecomunicaciones

ONAPI
De la calidad a la excelencia
OFICINA NACIONAL
DE LA PROPIEDAD INDUSTRIAL

ONDA
OFICINA NACIONAL DE
DERECHO DE AUTOR

DGA
ADUANAS

# Atribuciones del CIPI

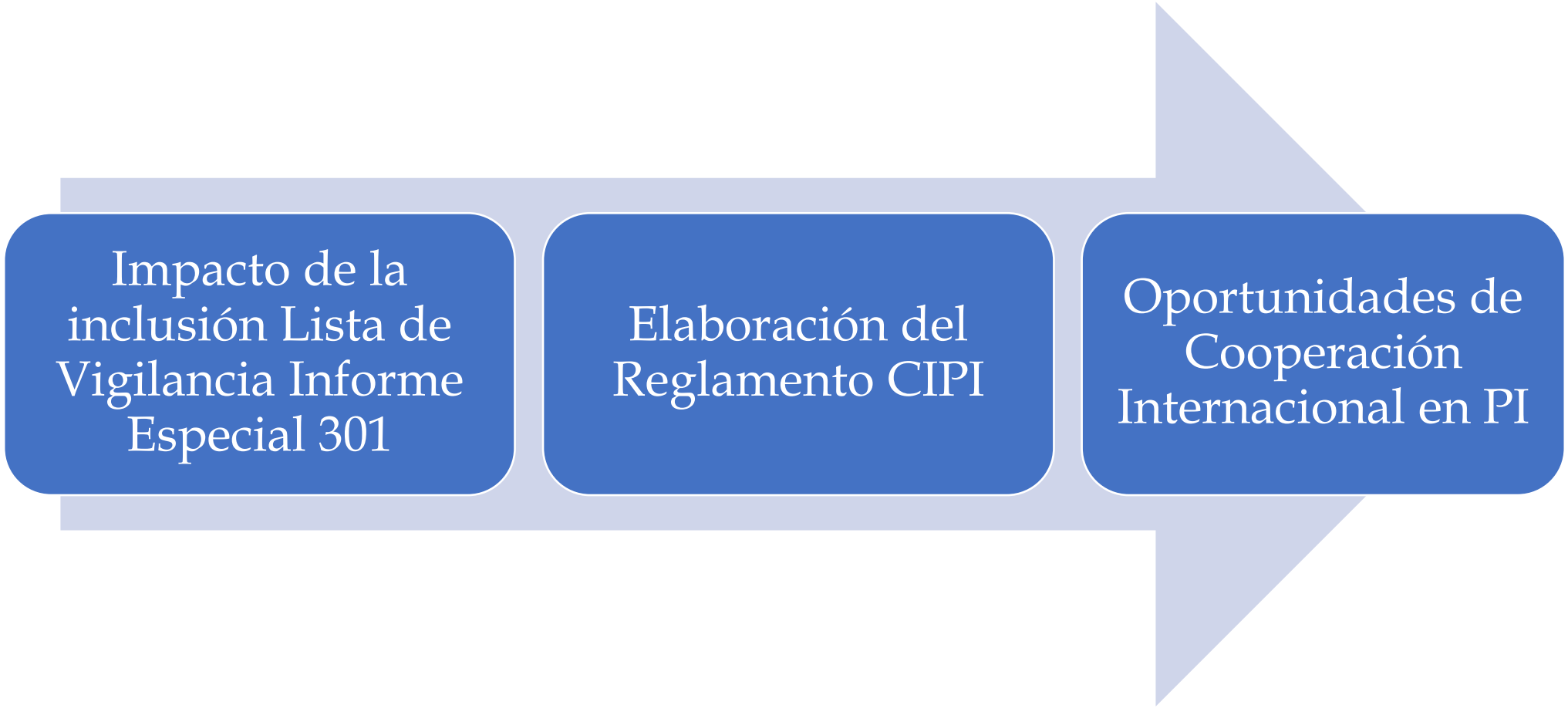
- Diseñar y proponer a las instituciones miembros del CIPI políticas públicas en materia de PI que promuevan el comercio, las inversiones, la innovación, la salud y la cultura;
- Coordinar las actuaciones entre las entidades que conforman el CIPI, para asegurar el cumplimiento estricto de las leyes de PI y de los compromisos asumidos por la Republica Dominicana en los acuerdos comerciales internacionales;
- Coordinar y elaborar la posición país en materia de PI presentada ante la Organización Mundial del Comercio (OMC), la Organización Mundial de la Propiedad Intelectual (OMPI) y de cara a futuras negociaciones comerciales;

- Presentar recomendaciones para los casos de solución de controversias internacionales en los que participe la República Dominicana, en los cuales se alegue inobservancia de derechos de PI;
- Fomentar la coordinación institucional para garantizar la observancia de los derechos de PI y la protección de los titulares y los consumidores en el país;
- Presentar anualmente al seno del CIPI, un informe sobre el clima de promoción y protección de los derechos de PI en la Republica Dominicana.

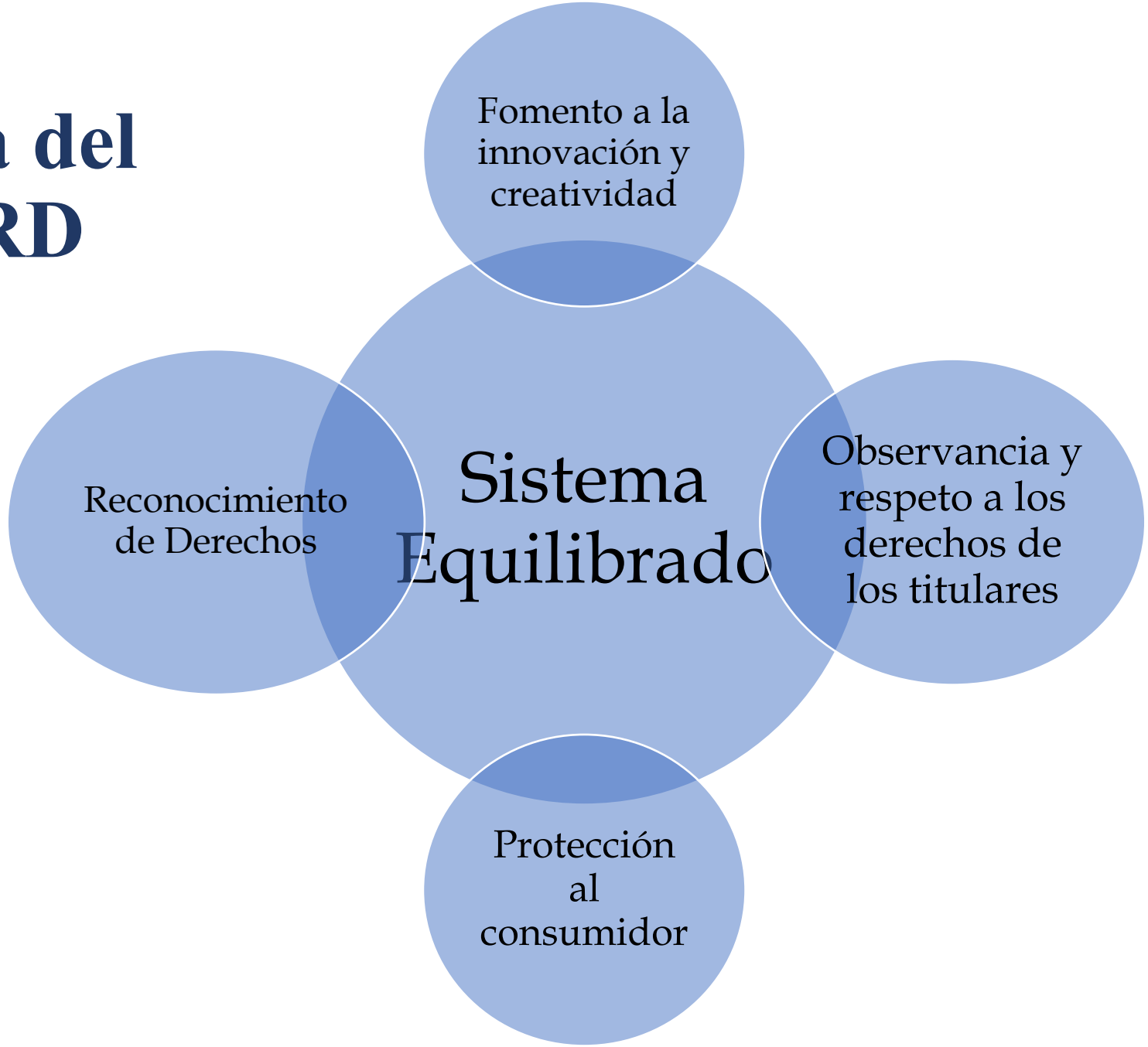
# Reuniones del CIPI

El CIPI se reúne regularmente al menos seis veces al año, por convocatoria del coordinador. No obstante, el coordinador del CIPI puede convocar a sesiones extraordinarias, en caso de que así lo considere pertinente, o bien, cuando así lo requiera uno de los miembros.

# Agenda CIPI-RD



# La Meta del CIPI-RD



*"Reconocer el derecho a la Propiedad Intelectual como Derecho Fundamental, de carácter social y con impacto económico, como premisa para el sostenimiento del Estado Social que ha declarado la Constitución dominicana, nos obliga como nación a aunar esfuerzos y aplicar todos los mecanismos posibles para la protección efectiva de este Derecho".*

***Army Ferreira,* LL.M.**

Jueza del Tribunal Constitucional de la República Dominicana

Ex-Procuradora Adjunta-Coordinadora UPI-PGR

# COUNTERING COUNTERFEITS: KENYA'S DECISIVE STEPS TOWARDS INTELLECTUAL PROPERTY PROTECTION AND ENFORCEMENT

Robi Mbugua Njoroge, Ph.D, Executive Director

Presented during WIPO's 15th Session of the Advisory Committee on Enforcement (January 31 to February 2, 2024).

# About ACA

- The Anti-Counterfeit Authority (ACA) stands as a critical pillar in Kenya's efforts to combat counterfeit trade.
- It is established under Section 5 of the Anti-Counterfeit Act, 2008 with a mandate encompassing counterfeiting, public education, research, and training.

# ACA’s Early Beginnings

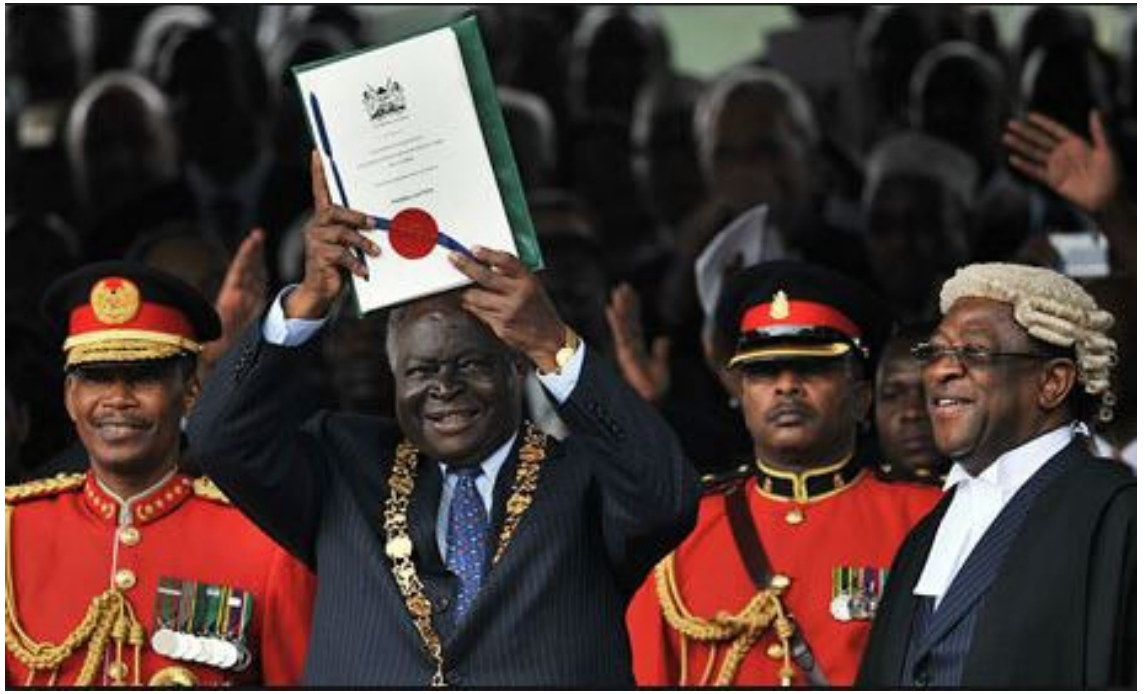
- Legal Void: Before 2008, Kenya lacked a legal framework to tackle counterfeiting. An ad-hoc body called the anti-counterfeit secretariat lacked the legal authority to address counterfeiting comprehensively.

- Court Decisions: Legal ambiguity prevailed. The case of *Doshi Iron Mongers Ltd v Weights and Measures Department [2006]* highlighted the need for a valid legal foundation for intellectual property (IP) enforcement.

# Early Beginnings

Establishment: the Anti-Counterfeit Act was enacted in 2008. This led to the establishment of ACA in 2010. There are several statues that buttress ACA Act

Constitutional and Statutory Safeguards: Articles 260 (c), 40 (5), and 69 (1) (c) and (e) explicitly recognize IP as a form of property, obligate the state to **support**, **promote**, and **protect** citizens' IP rights, and mandate the protection of traditional knowledge, genetic resources, and cultural expressions.



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# ACA in Figures

The Department has earned stripes on many fronts

## 1trillion Kshs (6,666,666 USD)

Estimated value of illicit trade in Kenya

## 2117

No of IPR Complaints

The figure represents the years 2010-2022

## 432

No of IPR Cases registered in courts

The figure represents the years 2010-2022

## 3511

No of consumer complaints received

The figure represents the years 2010-2022

## 3 billion Kshs (20,000 USD)

Value of Goods Seized

The figure represents the years 2010-2022

# Counterfeiting in Kenya:

- Value of illicit trade in Kenya was KES 726 billion (4,840,000 USD) in 2017 and KES 826 billion (5,506,666 USD) in 2018, marking a significant rise of 14%.
- Counterfeit and pirated goods alone constitute about 9% of illicit trade in Kenya.
- This illicit trade has led to sales losses among firms experiencing unfair competition from illicitly traded products.

# Counterfeiting in Kenya

- A study by the Kenya Association of Manufacturers (KAM), estimated that the East African region loses about USD 500 million annually to counterfeiting while the companies in the same region have lost 70% of market share in East Africa to Counterfeits.
- In Kenya, the manufacturers lose over USD 42 million annually while the government loses approximately USD 80 million in taxes and fees.

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# Implication of Counterfeits

**Lost Government Revenue**: From Kshs 6 billion to Kshs 20 billion, spanning the years 2016 to 2018.

**Risk on Health and Safety**: Counterfeit goods, especially medicines, pose severe health risks to unsuspecting consumers.

**Risk to Food Security**: The infiltration of counterfeit goods extends to food products, endangering food security within the nation.

**Lost Employment Opportunities**: A significant loss of jobs, ranging from 3,222 to 9,158 between 2016 and 2018, respectively.

**Lost Investment Opportunities**: From Kshs 23 billion to Kshs 36 billion, spanning the years 2016 to 2018.

**Lost Firm Sales**: A substantial decline from Kshs 111 billion to Kshs 69 billion between 2016 and 2018.

**Reduced Foreign Direct Investment (FDI):** Counterfeit trade undermines confidence in the market, resulting in reduced FDI.

**Decline of Local Manufacturers**: Local industries face challenges and decline due to unfair competition from counterfeit goods

**Health Implications**: In Africa, including Kenya, it's estimated that around 500,000 lives are lost annually due to fake or counterfeit medicines, posing severe health threats to unsuspecting consumers.

# IP Enforcement Measures by the Anti-Counterfeit Authority

# IP Enforcement Measures by the Authority

- The Authority is empowered by the ACA Act to employ inspectors for purposes of enforcing the Act. The inspectors have police powers and act either on their own motion or when IPR owners lodge a complaint.
- **Enforcement Measures**: The Authority possesses the power to investigate and recommend prosecution for offences under the Act.
- **The Executive Director: Under section 34,** IPR owners can apply in a prescribed form to seize and detain suspected counterfeit goods.
- **Inspectors**:  They are appointed under section 23. There are also designated inspectors, e.g. ACA Board members, police officers, customs officers, trade officers, trademark and patent examiners, standards inspectors, etc.
- The inspectors process IPR cases through the judicial system or administratively.

# COMPOUNDABLE OFFENCES

## IP Enforcement

- **Compounding of Offenses:** Section 34 A empowers the Executive Director to issue compounding orders to persons suspected of counterfeiting in lieu of criminal prosecution. The Executive Director can impose fines not exceeding three times the value and five times in case of a repeat offender.
- The Executive Director exercises power under this section if an offender admits in the prescribed form that he/she has committed an offence.
- **Application of compounding of offences.** The provision was first invoked in **February 2023**. The compounding of offences has resulted in a total of 118 orders and a fine imposed through these orders, totaling Ksh. 10,122,297 (67,481.98 USD).

# IP Enforcement: Recordation of IPR

- In 2019, the Authority revised the Act and introduced Section 34B, empowering it to record trademarks as one way of dealing with counterfeits at the source.
- The Anti-Counterfeit (Recordation) Regulations and Amendment Regulations (2021) empower ACA in its mission.
- Kenya is 4th country in Africa to introduce recordation of IP rights. Other countries are South Africa, Algeria and Mauritius.
- IPR owners register their rights for imported goods, streamlining enforcement.
- ACA commenced the development of the IPR Database on February 28, 2022, and the regulation of IPRs for imports on January 1, 2023.

ACA anti counterfeit authority

**PUBLIC NOTICE**

**COMMENCEMENT OF RECORDATION OF INTELLECTUAL PROPERTY RIGHTS**

**PUBLIC NOTICE NO. 1/2022.**

The Anti-Counterfeit Authority (ACA) is a statutory body established under Section 3 of the Anti-Counterfeit Act, No. 13 of 2008. ACA is mandated to prohibit trade and other dealings in counterfeit goods.

Pursuant to Section 34B of the Anti-Counterfeit Act, Legal Notice No. 117 of 2021 and Legal Notice No. 118 of 2021, ACA hereby notifies the general public of the commencement of implementation of Recordation of Intellectual Property Rights (IPR) with effect from 1st July 2022. IPRs relating to goods to be imported into Kenya, irrespective of their place of registration, shall be required to be recorded with ACA via the link **https://public.aims.aca.go.ke.** It is an offense to import into Kenya, goods whose IPRs have not been recorded with ACA.

All recorded IPRs shall be accorded proactive protection against counterfeit imports in accordance with the provisions of the Anti-Counterfeit Act.

No IPR agent shall be eligible to perform any functions with ACA from 1st July 2022 unless they are so admitted and registered. IPR agents are hereby reminded to apply to ACA for admission and registration.

ACA also notifies prospective importers of the mandatory requirement to declare particulars of intellectual property rights for goods to be imported into Kenya as from July 1, 2022.

ACA assures all stakeholders of its commitment towards a counterfeit free Kenya for health, safety and prosperity of all Kenyans.

For any enquiries, contact ACA on telephone: **+0202280000/+254717430640** or email: **recordation@aca.go.ke** or visit **www.aca.go.ke**.

**Ag. Executive Director**
**Anti-Counterfeit Authority**

KENYA VISION 2030

THE BIG 4

# Recordation

The programme also involves issuance of permits to importers of goods as per designated HS Codes. The regulation of imports includes the declaration of IPRs through the ACA import permit process. Importers or their customs agents are required to declare IPRs relating to goods being imported into Kenya through the KenTrade's Single Window System.

By November 2023, 46,454 permits had been issued and a total of 6,347 exemptions.

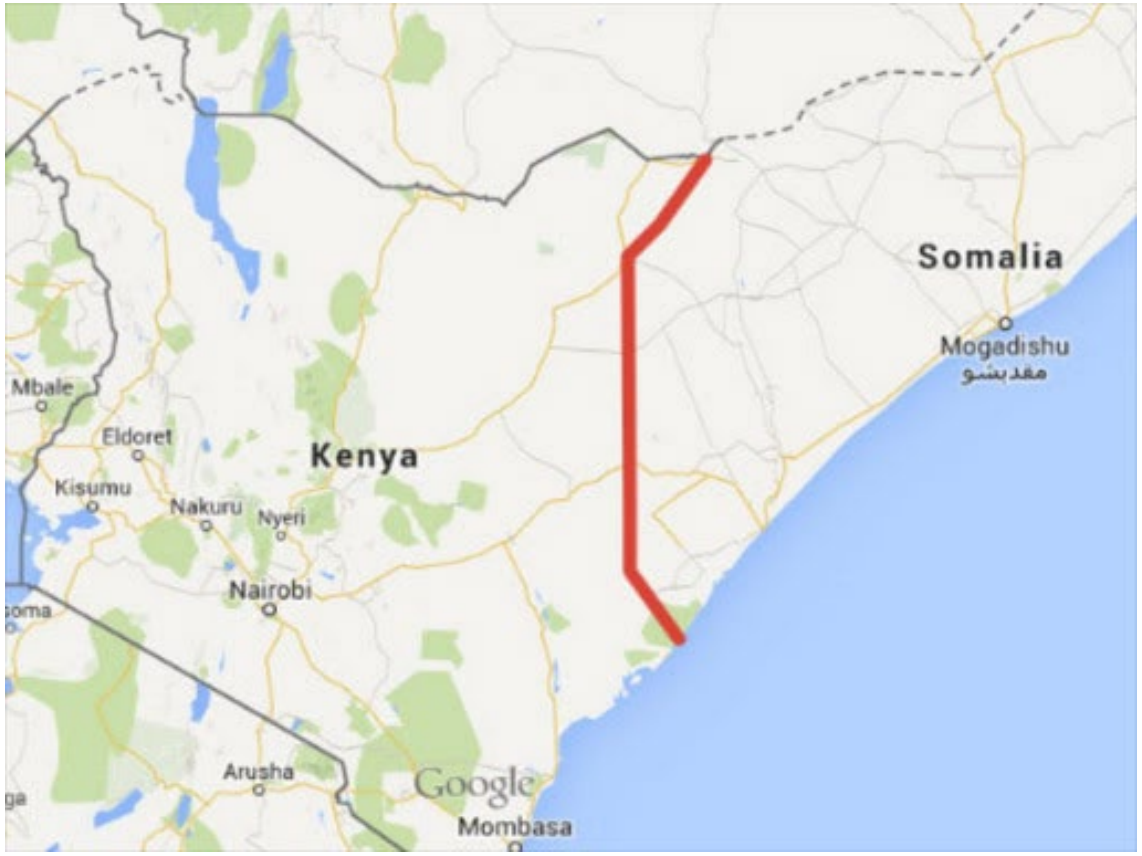
# Enforcement: Collaboration with other Agencies

- **Collaboration**: Section 5 of the Anti-Counterfeit Act empowers the Authority to coordinate with national, regional and international organisations involved in combating counterfeiting.
- **The establishment of the anti-illicit trade executive forum: The forum was established** through Gazette Notice 7270 (July 2018). This forum facilitates coordination and information sharing among the law enforcement agencies.
- **Presidential Involvement**: Under the President's office, the multi-agency team tackles counterfeiting comprehensively. Illicit goods worth around three (3) billion shillings were seized. One (1) billion worth of these goods were destroyed.
- **Data Sharing through National Illicit Trade Observatory:** The National Illicit Trade Observatory facilitates real-time data sharing among agencies. Informed decisions based on this data aid sustainable efforts against illicit trade, including counterfeiting.

# Enforcement: Cross-Border Engagements

- **Cross-Border Cooperation Advocacy**: ACA actively advocates for cross-border cooperation, pursuing sub-regional anti-counterfeit policy within the East African Community. Plans to revive the **East Africa Community Anti-Counterfeiting Bill** are in motion. Policy harmonization fosters alignment and cooperation among member states.
- **International Collaborations**: ACA is actively involved in the development of the Anti-counterfeiting Bill before the Ugandan Parliament. Additionally, ACA has entered into a Memorandum of Understanding (MoU) with the Northern Corridor Transit and Transport Coordination Authority and **Anti-Counterfeit Network (Uganda)** and is reviewing an MoU with the **Tanzanian Fair Competition Commission**.

# Challenges of Enforcing IP in Kenya




The Following challenges have hindered the implementation of our initiatives and affected the achievement of our strategic objectives.

- Inadequate staffing in technical areas needed to implement the organisation's mandate.
- Litigation risk that has led to awards of claims against ACA.
- There was a delay in revising the anti-Counterfeit Act and developing the National IP Policy, which has affected the enforcement of the Act
- State corporation Reforms Task Force that seeks to merge the authority with other IP offices in Kenya
- Long and porous borders
- Inadequate cooperation by IPR owners
- High poverty levels, consumers' attitudes & ignorance
- Limited knowledge by the public on counterfeit/illicit trade
- Stripping of prosecutorial powers by the Office of Director of Public Prosecutions

# Future Strategies

- **Automation and Non-intrusive Inspection:** This will encourage destination delivery to facilitate trade and easy movement of Goods.
- **Prosecutorial powers**: Reinstatement of prosecutorial powers by ODPP to enhance the success of anti-counterfeit cases.
- **Review of laws**: Review and overhaul of the Anti-Counterfeit Act and Regulations (defragmented by several amendments)
- **Stakeholder involvement**: Create more forums for manufacturers and consumers to participate in the fight against counterfeiting.
- **Cross-Border Collaboration**: Pursuing sub-regional anti-counterfeit policy within the East Africa Community.
- **Promoting Harmony**: Policy harmonization fosters alignment and cooperation among member states.

**Synergistic Approach**: Joint efforts amplify the impact of anti-counterfeit initiatives.

**Innovative Protection**: ACA will pioneer tamper-proof counterfeit protection stickers, leveraging the Network File System and blockchain.

**Enhanced Authentication**: Stickers guarantee authenticity, resisting tampering and replication.

## Last Word!!!

anti counterfeit authority
Promoting Genuine

# Q & A

**Thank You!!**

**Authenticity . Credibility . Alertness**

# RECENT KIPO TECH POLICE OPERATIONS : INTEGRATED REPORTING AND CONSULTATION CENTER AND JOINT INTERNATIONAL INVESTIGATION

**February 1, 2024**

**LEE Bongsoo**

Investigator

Technology and Design Police Division

Korean Intellectual Property Office

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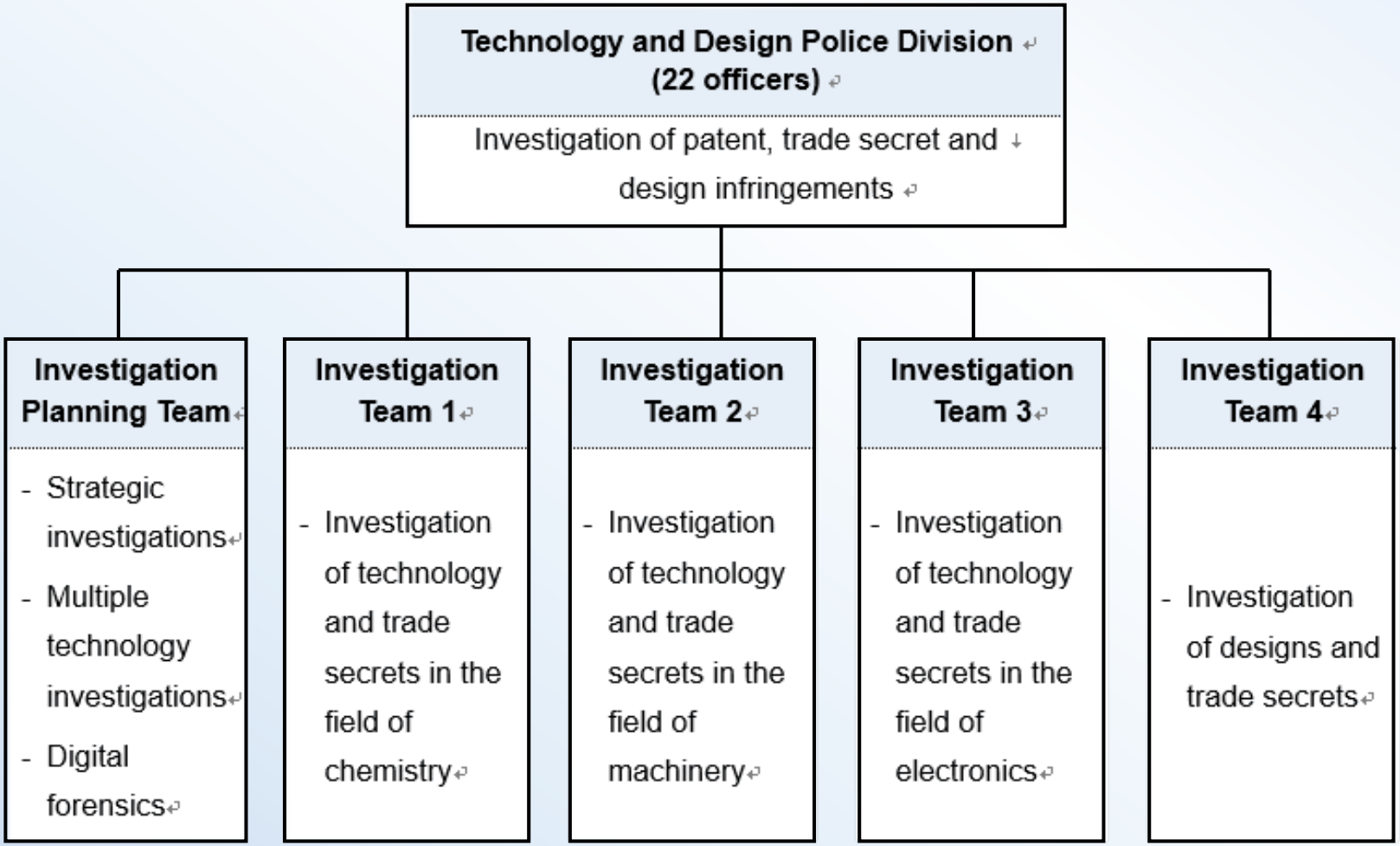
1 The KIPO Tech Police

2 The Integrated Reporting and Consultation Center for IP Infringement

3 Research on Joint International Investigation

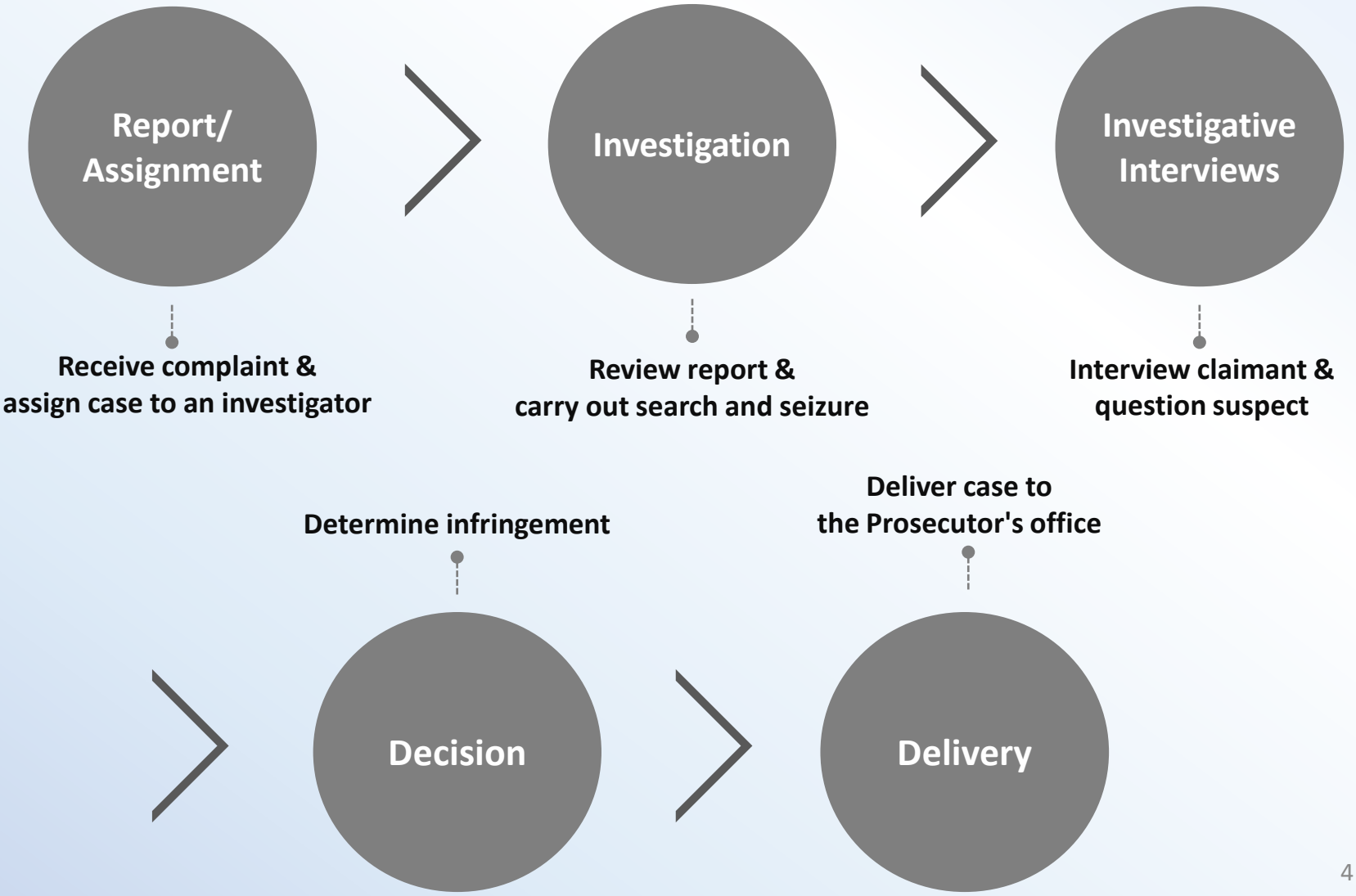

Korean Intellectual Property Office

# a. Organizational Chart of the Tech Police



Korean Intellectual Property Office

# b. Investigation Process



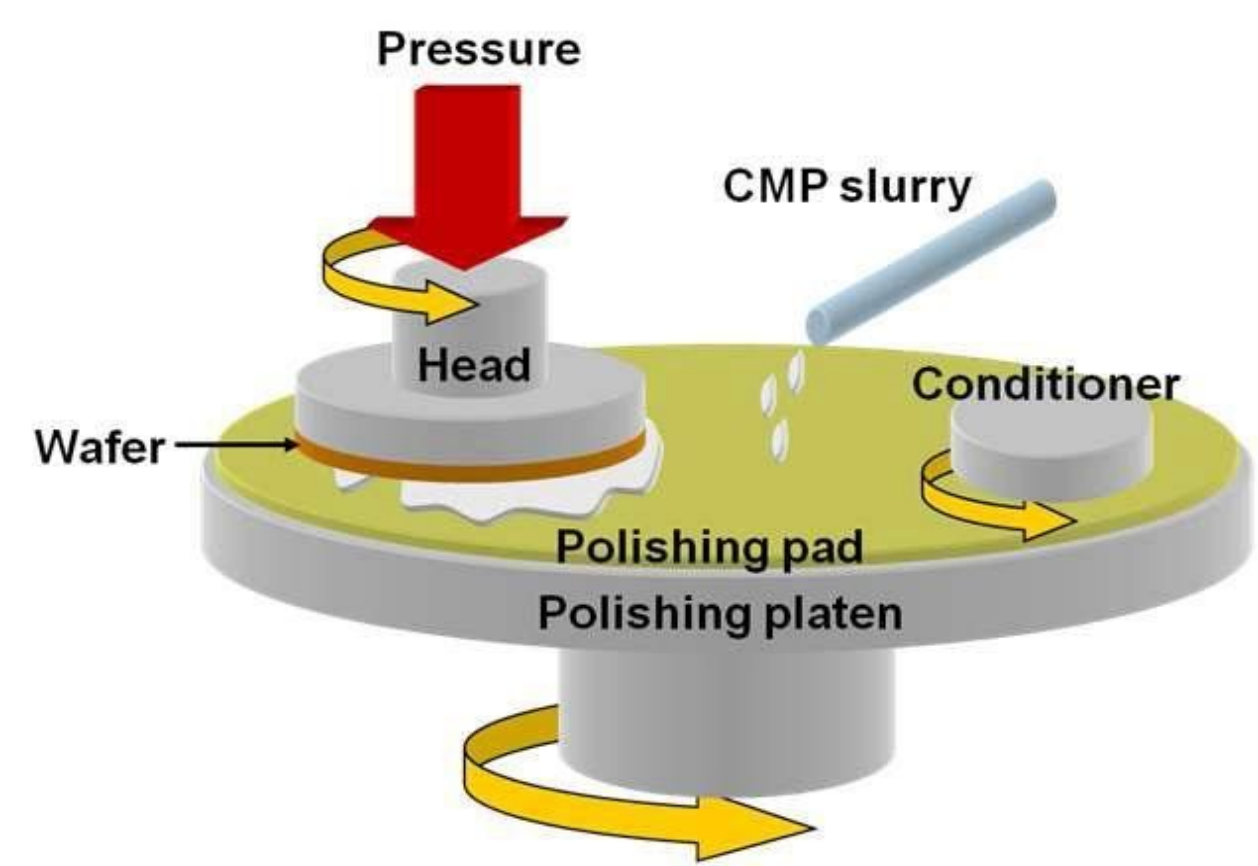
# c. Number of Suspects Arrested

( Unit: people )

| | April 2019 ~ | 2020 | 2021 | 2022 | ~ June 2023 | Total |
|---|---|---|---|---|---|---|
| **Patent** | 95 | 170 | 169 | 156 | 68 | 658 |
| **Trade Secret** | 20 | 39 | 85 | 62 | 56 | 262 |
| **Design** | 73 | 82 | 71 | 122 | 83 | 432 |
| **Other** | 12 | 82 | 50 | 44 | 73 | 261 |
| **Total** | **200** | **373** | **375** | **384** | **280** | **1,613** |

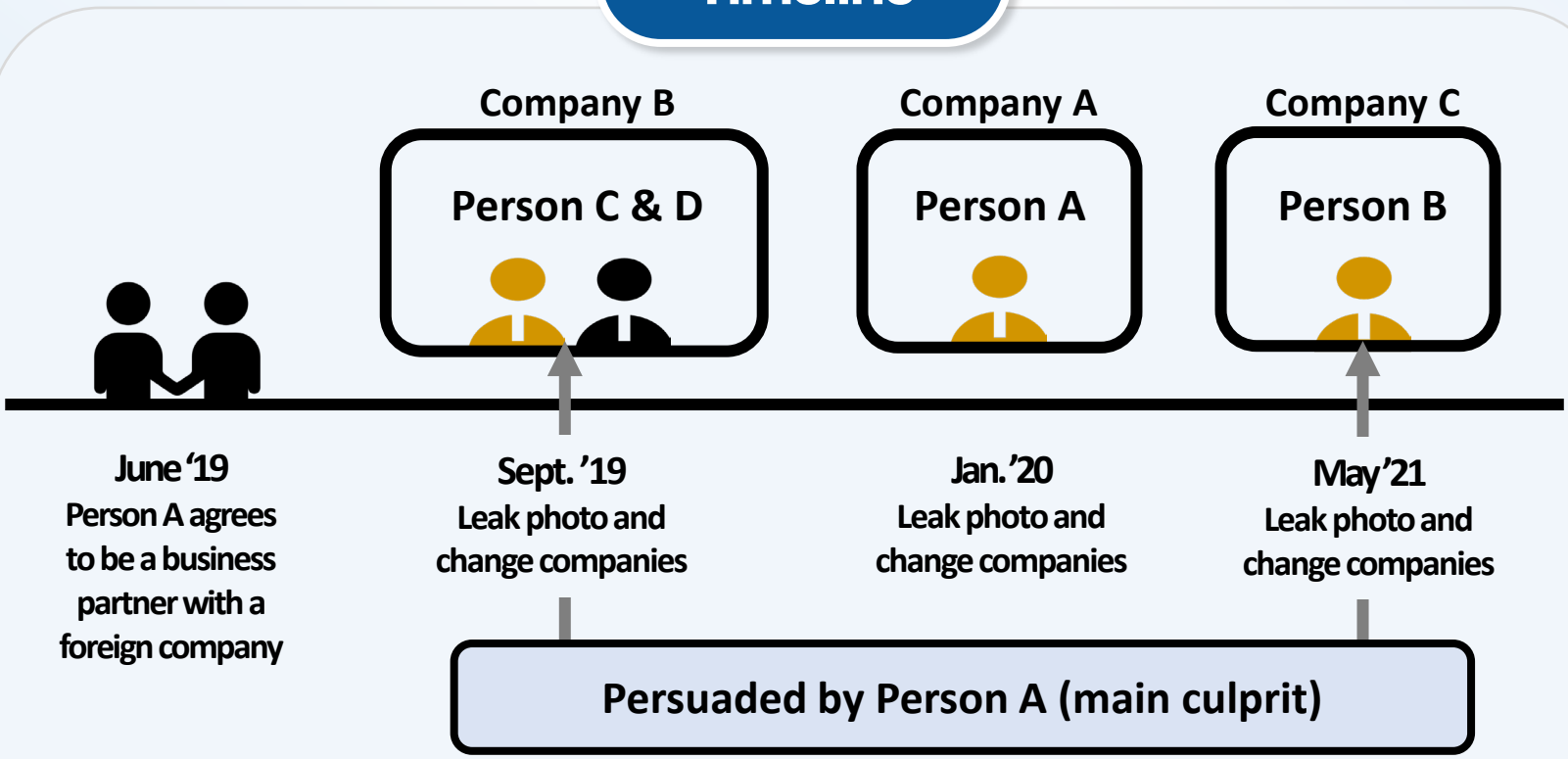
# d. Case Overview

## ❖ CMP(Chemical Mechanical Polishing) Slurry



# d. Case Overview (continued)

## Timeline



# a. Background and Rationale

## Background

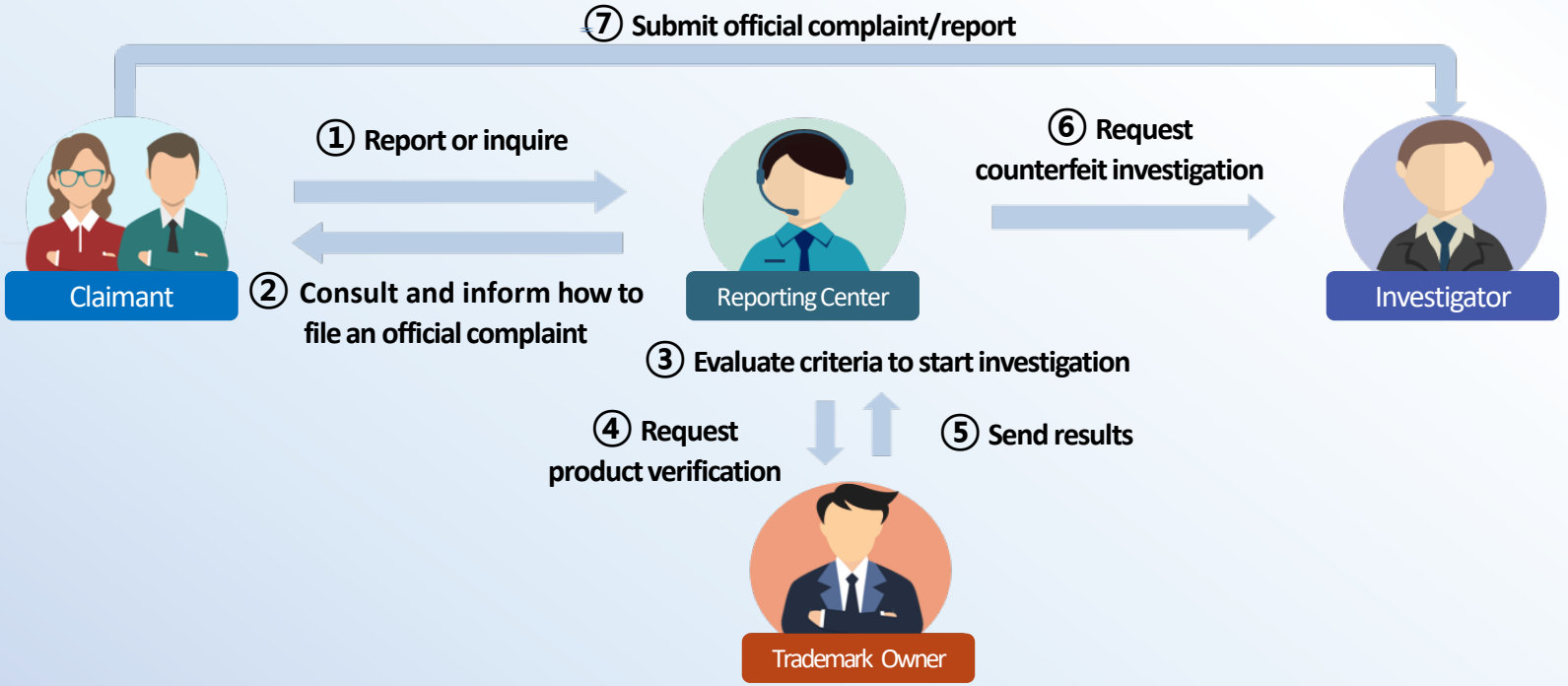
- Increased reports on various IP infringement issues.
- Scattered channels to file reports (Patent Customer Center, civil affairs office, SPJ, etc.).
- Process interruption due to personnel / duty transfer.

## Rationale

- Create an integrated “one-stop” platform to handle services from reporting to consultations related to IP infringement.
- Assign designated staff and consultants to accumulate expertise.

# b. Services and Procedures

- Consultation on legal information (i.e. policies, severity of punishment).
- Explanation of investigation procedures.
- Instructions on how to write a warnings and complaints.
- Collection of evidence related to counterfeit products *(i.e. counterfeit product appraisal reports, seller information, and purchase history).*



# c. Number of Consultations

( Unit: people )

| | Patent | Design | Trade Secret | Unfair Competition | Trade Mark | Other |
|---|---|---|---|---|---|---|
| July ~ Dec 2022 | 69 | 36 | 2 | 64 | 758 | 288 |
| Jan ~ June 2023 | 63 | 57 | 11 | 54 | 2393 | 88 |
| July ~ Sept 2023 | 32 | 12 | 3 | 16 | 1145 | 14 |
| **Total** | **164** | **105** | **16** | **134** | **4296** | **390** |

# d. Supplemental Features for Counterfeit Cases (Trademark)

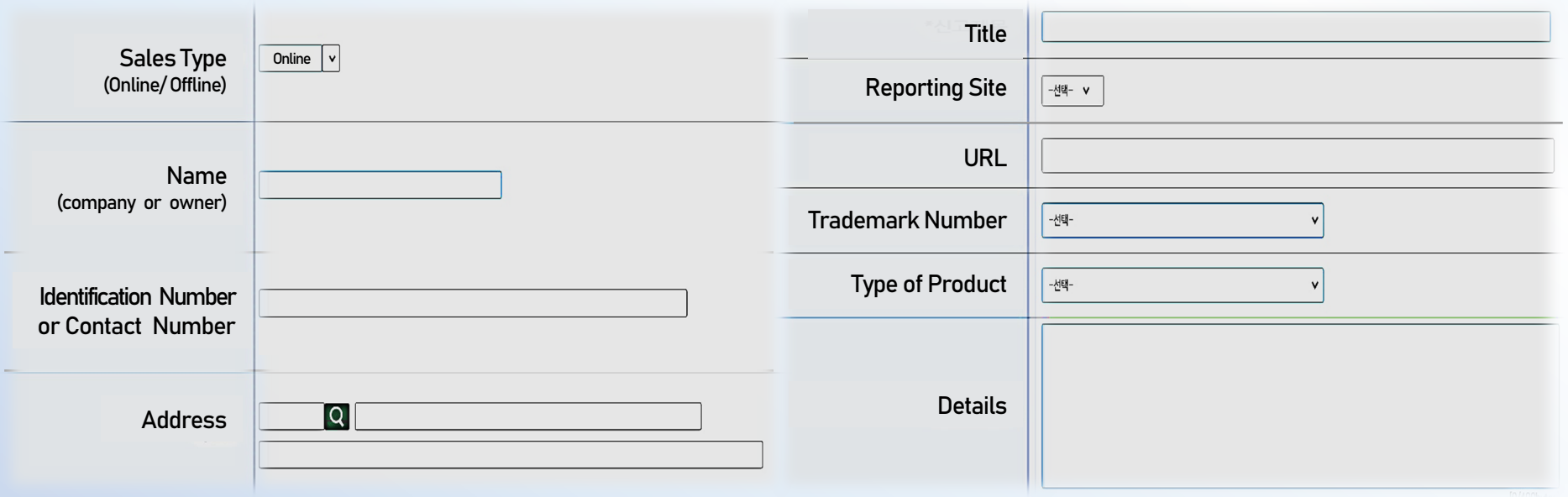
- **Complaint Review: Confirm in real-time the information filed by the claimant through the website and give instructions for supplementation, if necessary.**

- **Requirement Check : Provide a checklist of requirements necessary to start an investigation *(i.e. product submission, appraisal, purchase history, etc.).***

- **(Trademark) Product Verification: Cooperate with the trademark holder to verify the alleged counterfeit product.**

# e. Online Form to File a Report

- **Structured into detailed sections requesting specific information.**
- **Indication of required information (*i.e. Sales type (online/offline), name (company name), title, report link, submission of a sample product).***



# a. Background & Rationale

## Background

- Strong competition to secure cutting-edge core technologies.
- Increasing cases of technology leak infringement every year.
- Concerns about significant national economic losses.

## Rationale

- Supplement lack of research on joint international investigation of technology infringement overseas.
- Strengthen systems of joint international investigations and prepare strategic investigative response measures.

# b. Research Tasks

## 1 ) Analysis of the Status of Overseas Leaks and Infringement of Technology

- Definition and scope of protected technologies
- Types and status of overseas technology-related IP infringement
- Extent and scale of damages

## 2) Analysis of Laws Related to Joint International Investigations

- Current legislation related to international cooperation for investigations
- Current agreements and basic principles of international treaties related to international investigations
- Legislation of neighboring Asian countries and Western countries
- Joint international investigation through Interpol

# b. Research Tasks

## 3) Methods of Joint International Investigations

- Institutions for potential international joint investigation according to country
- Actual criminal cases *(i.e. copyright infringement, child exploitation, online illegal gambling)*

## 4) Analysis of Case Studies on Joint International Investigations

- Cases of joint investigations with China and Southeast Asian countries
- Cases of joint investigations with the National Police Agency and Interpol
- Cases of EU response through the Intellectual Property Crime Prevention Federation within Europol

Korean Intellectual Property Office

# THANK YOU

win94171@korea.kr

الهيئة السعودية للملكية الفكرية
Saudi Authority for Intellectual Property

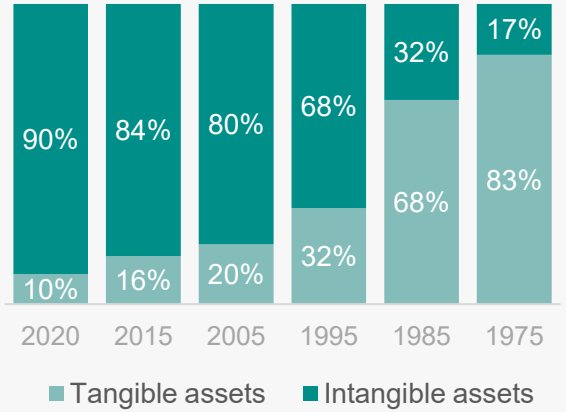
# Coordinating the Enforcement of Intellectual Property Rights

## Kingdom of Saudi Arabia

# Introduction

الهيئة السعودية للملكية الفكرية
Saudi Authority for Intellectual Property

**Protecting IP is increasingly important for encouraging innovation, developing and enriching the economy, improving the investment environment, increasing the attractiveness of investment, and ensuring the sustainability and growth of companies on both a local and international scale.**




**"90% of S&P 500 companies' assets in 2020 were intangible"**

Supporting creativity and innovation

Supporting and enriching the economy

Supporting the investment environment

Sustainability and development of partnerships

*Source: Ocean Tomo Intellectual Capital

# Counterfeit Impact

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## Security Aspect

- Security Risks from Violators: Generating profits is not the only motive behind counterfeits; in most cases, it is linked to money laundering and organized crimes.

## Social and Cultural Aspect

- Decline in creativity and cultural production

## Health Aspect

- Health Risk Mitigation: Targeting counterfeit products affecting well-being (auto parts , cosmetics )
- Pandemic Exploitation: Counterfeiters adapting to COVID-19 needs, per Interpol

## Economic Aspect

- Negative Impact on Financial Revenues
- Affecting employment opportunities
- Lack of fair competition and economic impact

# SAIP Role – IP Respect

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Saudi Authority for Intellectual Property

The Saudi Authority for Intellectual Property (SAIP) is the governmental entity responsible for enforcing IP rights in the Kingdom.

Thus, protecting IPRs is one of the strategic pillars of SAIP.

SAIP aims to achieve these strategic pillars mainly by:

- Enhancing IP Enforcement Ecosystem
- Promoting Awareness on IP Respect
- Raising Compliance

## Scope of Work

Cooperation and partnerships

Complaints , Reporting, and Inspection

Surveillance and analytics

Initiative Management

# SAIP Role – IP Respect

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Saudi Authority for Intellectual Property

**The Saudi Authority for Intellectual Property is actively enhancing the enforcement of IP rights. This involves strategic collaboration with related governmental entities, fostering partnerships with the private sector, and amplifying the role of rights holders. The aim is to unify efforts and elevate the IP enforcement framework in Saudi Arabia.**

**Cooperation and partnerships**

## Public sector

**Establish Permanent IP Enforcement Committee**

## Private Sector

1

**Collaborating with social media platforms and intermediaries**

2

**IP Respect Council**

الهيئة السعودية للملكية الفكرية
Saudi Authority for Intellectual Property

# Strategic Initiatives and Cooperation – Public/Public

## Permanent IP Enforcement Committee

01

# Permanent IP Enforcement Committee

الهيئة السعودية للملكية الفكرية
Saudi Authority for Intellectual Property

The Permanent IP Enforcement Committee was established in 2021 and since led by SAIP with the aim to improve IP enforcement ecosystem. To enhance the enforcement of IP rights through collaboration and coordination with relevant government entities

**8** Meetings Held

**31** Matters Discussed

**35** Recommendations Submitted

**15** Technical Meetings

## 13 government entities.

- General Directorate of Public Security
- المملكة العربية السعودية النيابة العامة KINGDOM OF SAUDI ARABIA PUBLIC PROSECUTION
- وزارة العدل Ministry of Justice
- وزارة التجارة Ministry of Commerce
- هيئة الزكاة والضريبة والجمارك Zakat, Tax and Customs Authority
- وزارة الإعلام Ministry of Media
- الهيئة العامة للغذاء والدواء Saudi Food & Drug Authority
- الهيئة العامة للإعلام المرئي والمسموع GENERAL COMMISSION FOR AUDIOVISUAL MEDIA
- هيئة الاتصالات والفضاء والتقنية Communications, Space & Technology Commission
- اتحاد الغرف السعودية Federation of Saudi Chambers
- وزارة الرياضة Ministry of Sports
- Center for Communication and Knowledge Foresight

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# Permanent IP Enforcement Committee

الهيئة السعودية للملكية الفكرية
Saudi Authority for Intellectual Property

## Objectives

- The goal is to coordinate enforcement efforts and enhance work methods and procedures
- Achieving harmony and coordinating efforts between government agencies
- Promoting IP Rights Within Government Sectors
- Proposing and Implementing National Initiatives and Programs

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# Permanent IP Enforcement Committee

## Stakeholders &Model

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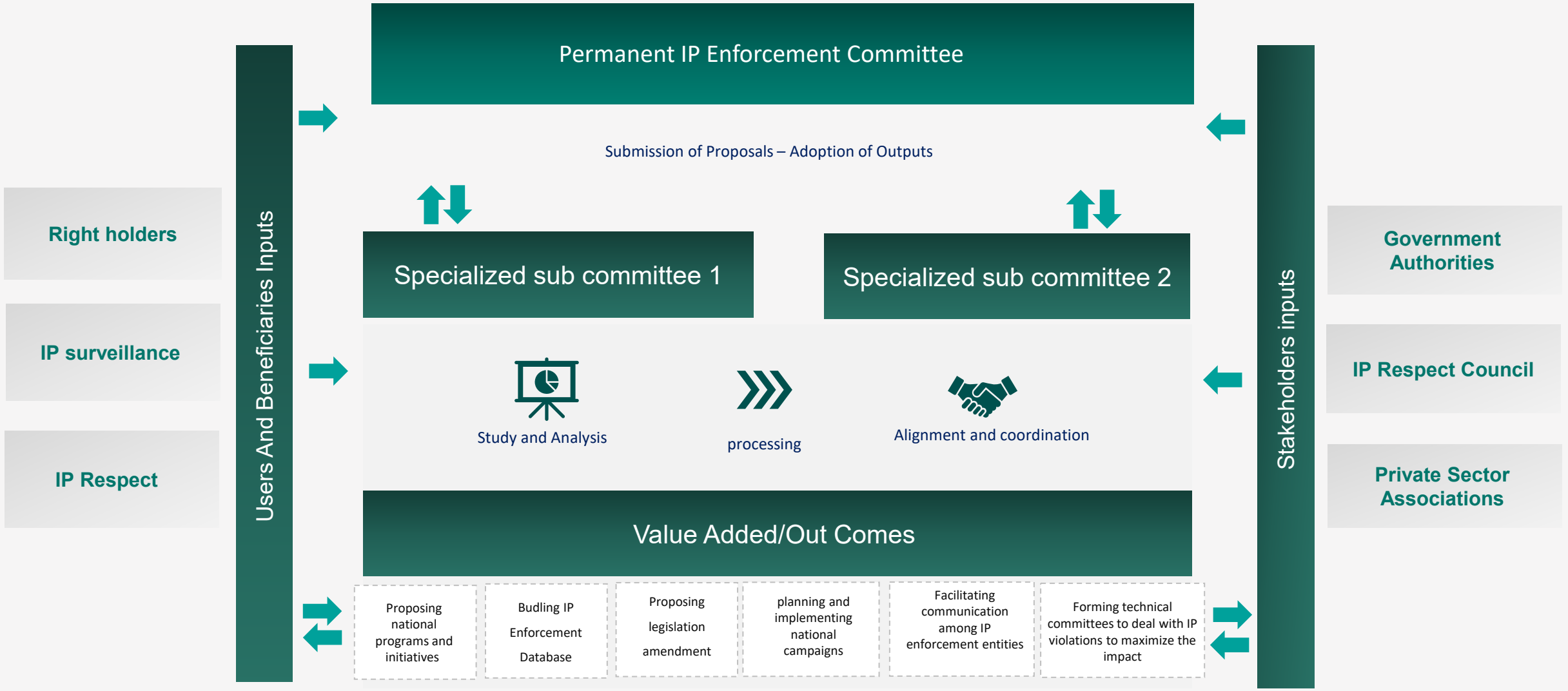


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# The National IP Enforcement Committee

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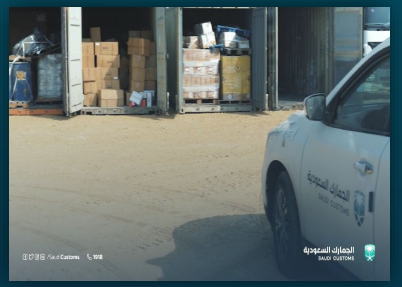
Saudi Authority for Intellectual Property

important achievements

1. Facilitating communication among IP enforcement entities
2. Coordination with public prosecution regarding inspection permits (fast track)
3. Forming technical committees to deal with IP violations to maximize the impact
4. Exchange information and build databases
5. Destruction Campaign in Collaboration with the Ministry of Media and Customs



# Permanent IP Enforcement Committee

## Online Enforcement - Websites Blocking

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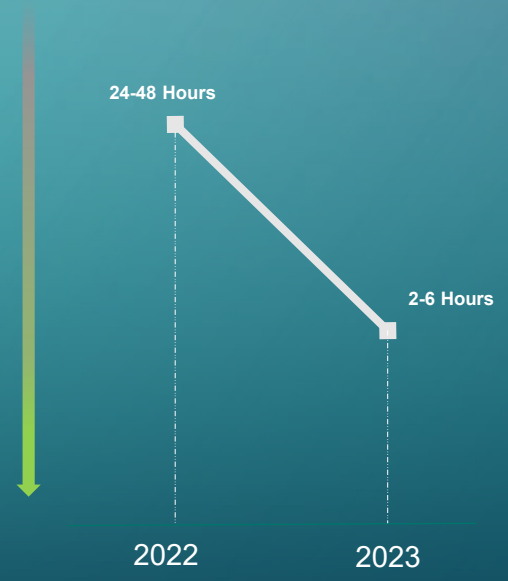
Saudi Authority for Intellectual Property

Reducing the duration for blocking the infringing websites by 95.83%.




**The highest increase in the number of blocked websites is by 121.96%.**

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# Strategic Initiatives and Cooperation – Public/ Private

## IP Respect Council

02

# IP Respect Council And Business Model

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Saudi Authority for Intellectual Property

**An initiative created by SAIP to gather the private sector with relevant government entities to discuss all IP matters, including enforcement, plans and initiatives, and policy developments that require public comment, and solicit information on any obstacles IP owners face.**

**Enforcement**

The private sector plays a key role in enforcing IP laws, requiring a strong monitoring system and quick arbitration and penalty mechanisms.

**Communication**

Effective channels must exist between the public and private sectors for information and idea exchange, as well as for appropriate guidance and support.

**Awareness**

Keeping the private sector informed of all updates related to IP laws contributes to a sustainable and fair work environment. This should include legal updates and new research reports.

**Challenges and area collaboration**

Through this initiative, the private sector can provide insights into the issues they face, allowing for a better understanding of the challenges and the development of joint solutions and any optional collaboration.

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# IP Respect Council And Business Model

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# IP Respect Council

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Saudi Authority for Intellectual Property

**The IP Respect Council has conducted 18 meetings, engaging with various industry sectors to enhance IP rights and compliance. These interactions have fostered public-private partnerships, streamlining enforcement measures and legal frameworks.**

Sectors of IP Respect Council

1. Pharmaceutical Industry
2. Publishing Sector
3. Satellite Broadcasting and Production
4. Trademark
5. Sports Sector
6. Trademark and Identity Industry
7. Filmmaking and Production
8. Gold & Jewelry
9. Architecture and Architectural Design
10. SME Sector - Jeddah
11. Computer Software and Information Technology
12. Lubricant and Base
13. Automotive Sector -Vehicle Parts
14. SME Sector - Riyadh
15. SME Sector - Eastern Region
16. Industrial Sector
17. Agents of Trademark Owners
18. IP Respect Council - Asir Region
19. ISPs
20. Brand Owners Protection Group

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# IP Respect Council

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20
IP Respect Councils

%95
Satisfaction of Right Holders

13
Economic Sectors

## Outputs

- Improve enforcement procedures in accordance with the requirements of right holders.
- Fostered the enforcement operation with partnerships.
- Streamlining enforcement measures and legal frameworks.
- Providing specialized technical training for inspectors in cooperation with rights holders.
- Preparing and publishing the external beneficiary guide.
- Addressing the challenges of filing claims and reviewing the basic requirements for filing.
- Identifying challenges for trademark agencies and updating legal requirements accordingly.

# IP Respect Council

## Online Enforcement - Content Removal

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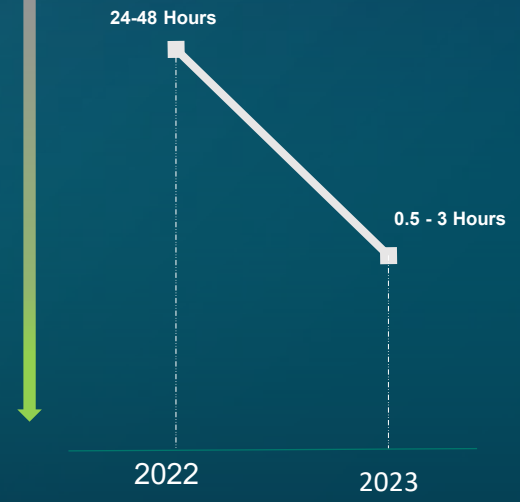
Saudi Authority for Intellectual Property

Collaborating with social media platforms and intermediaries to protect digital content from violations.

**+8**

Electronics platforms include: E-Stores - E-Payment Platforms - Paid Advertising Platforms - Social Media Platforms

Reducing the duration for content removal from the infringing website by 98.96%.



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# Lessons Learned

03

# Lessons Learned

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Saudi Authority for Intellectual Property

## Review and Update Legislation

Constant scrutiny and updates of regulations related to IP enforcement and the participation of the private sector and rights holders are crucial.

## Importance of Coordination

Unified efforts among the various entities involved in the IP enforcement ecosystem have a positive impact. This coordination improves and accelerates enforcement processes and contributes to the development of more effective strategies.

## Partnerships with Stakeholders

The importance of collaboration and partnerships with rights holders, intermediaries, and both public and private sector entities can't be understated. A multi-stakeholder approach fortifies enforcement mechanisms and paves the way for more significant progress.

# Lessons Learned

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Saudi Authority for Intellectual Property

**Awareness Raising**

Elevating awareness about IP laws and systems has a direct impact on compliance rates and reduces infringement instances. Effective educational campaigns should be a cornerstone of the strategy.

**Data Sharing**

It's crucial to share information and data among ecosystem members. This creates a reliable database that can be used for in-depth studies, data analysis, and deriving insights on best practices to minimize IP rights infringements.

**Continuous Performance Review**

Periodic assessments of the IP rights enforcement ecosystem help in identifying challenges and potential bottlenecks. These evaluations should lead to iterative improvements in the operational model and procedures.

Thank You

# THE EXPERIENCE OF THE UGANDA REGISTRATION SERVICES BUREAU IN COORDINATING INTELLECTUAL PROPERTY ENFORCEMENT

Advisory Committee on Enforcement
Sixteenth Session
February 2, 2024

**Ms. Mercy K. Kainobwisho**
**LLB, MBA, LLM (IP)**
**Registrar General**
**Uganda Registration Services Bureau**
**Email: mercy.kainobwisho@ursb.go.ug**

# Presentation outline

1. Introduction
2. Factors which led to the creation of an IP Enforcement Coordination Unit
3. How the National IP Enforcement Coordination Mechanism was established
4. Structure of the National IP Enforcement Coordination Mechanism
5. Rationale for choosing the One Stop Shop Implementation Model
6. Gaining stakeholder buy in
7. Performance statistics for criminal cases prosecuted by URSB over a seven-year period
8. Greatest achievements of the Enforcement Coordination Unit
9. Obstacles to establishing the Enforcement Coordination Unit
10. Planned future improvements

# INTRODUCTION

1. Uganda Registration Services Bureau (URSB)'s IP Enforcement Unit was created by URSB in December 2016.
2. URSB is the national intellectual property (IP) office and maintains a number of registers such as Intellectual Property (IP), Businesses, Insolvency, Security Interests in Movable Property, Marriages and Documents.
3. The in house Unit is comprised of 5 police officers on secondment from the Uganda Police Force and 5 public prosecutors.
4. The purpose of the Unit is to investigate and prosecute IP crimes in Uganda.

# FACTORS WHICH LED TO THE CREATION OF AN IP ENFORCEMENT COORDINATION UNIT

1. Increasing violations of IP laws.
2. Technological advancements.
3. Recognition of the economic impact of IP.
4. Changes in legal and regulatory frameworks.
5. The increased collaboration between stakeholders.
6. The increased public awareness and education on the consequences of infringement.
7. Increased pressure from IP owners and creators.

# HOW THE NATIONAL IP ENFORCEMENT COORDINATION MECHANISM WAS ESTABLISHED

1. A Government administrative initiative.
2. Key stakeholder engagements (URSB, Uganda Police, ODPP, UNBS, URA).
3. Interagency collaborations where Memoranda of Understanding were signed.
4. Appointment of dedicated staff.
5. Legal, regulatory and policy frameworks.

# STRUCTURE OF THE NATIONAL IP ENFORCEMENT COORDINATION MECHANISM

The fact that enforcing IP laws required a multilayered and collaborative approach, coordination between different Government MDAs, interagency cooperation, public and private sector involvement, education and awareness, influenced Uganda's one stop shop implementation model.

# STRUCTURE OF THE NATIONAL IP ENFORCEMENT COORDINATION MECHANISM

**Registrar General**

**URSB IN-HOUSE ENFORCEMENT UNIT**

**Inspector General of Police**
*(Receives quarterly performance reports)*

**Investigators on secondment from Uganda Police Force**

***6 licensed Public Prosecutors***

**Director of Public Prosecutions**
*(Receives quarterly performance reports)*

## Role of the Unit

- Receive and investigate complaints on suspected IP infringements;
- Enforces the provisions of all Uganda's IP laws administered by URSB
- Conduct enforcement operations and supports the enforcement of Court Orders including Anton Pillar orders;
- Draft charge sheets;
- Liaise with complainants, other government agencies, rights owners, and collective management organizations to inspect, impound, and arrest IP offenders
- Sensitisation and creation of awareness in IP Laws
- Prosecution of IP offences in Courts of law.

## Stakeholders

**Uganda Judiciary (Standards, Utilities and Wildlife Court)**
Adjudication of IP Offences

**Uganda Revenue Authority (MOU)**
**Customs Department**
Control of entry of infringing goods at ports of entry

**Uganda National Bureau of Standards (MOU)**
Tracking manufacturers and traders for purposes of enforcement of standards and IP rights.

**Collective Management Societies** (Uganda Film and Movie Industry, Uganda Performing Rights Society, Uganda Reproduction Rights Organisation)
Report infringement of their members copyright

**IP Rights Holders**
Training in brand identification
File complaints and support investigations and prosecutions

**General Public**
Create awareness of IP Laws
Consumer protection

# RATIONALE FOR CHOOSING THE ONE STOP SHOP IMPLEMENTATION MODEL

1. Simplification of the processes.
2. Efficiency in the enforcement system.
3. Timely implementation.
4. Improved coordination and cooperation.
5. Enhanced focus and specialization.
6. Global standardization and compliance.
7. Data management.
8. Winning public confidence.

# STAKEHOLDER MAPPING

## Government Agencies

1. URSB – Responsible for registering and enforcing IP legislation in Uganda.
2. The Uganda Police Force – Has a statutory mandate of enforcing law and order.
3. The Office of the Directorate of Public Prosecutions – Institutes criminal proceedings in civilian courts of law.
4. The Customs Authority - Has a statutory mandate of curbing entry of IP infringing goods at Uganda's entry ports.

# STAKEHOLDER MAPPING

## Government Agencies

5. Uganda Communications Commission – Plays a supportive role in IP enforcement.

6. The Uganda National Bureau of Standards – Plays a supportive role in notifying the URSB of suspected IP infringing goods which they encounter in the course of work.

7. The Judiciary – Adjudicates IP offences.

# STAKEHOLDER MAPPING

8. Policy Makers and Regulatory Bodies.
9. IP Holders and Creators.
10. Business Community.
11. Academia.
12. Media.
13. Consumers.

# GAINING STAKEHOLDER BUY IN

1. Stakeholder engagements.
2. Signing of Memoranda of Understanding.
3. Formulation of a National IP Policy.
4. Public confidence through prosecution performance.
5. Effective communication.
6. Sharing success stories.
7. Transparency and accountability.
8. Regular feedback.

# Performance statistics for criminal cases prosecuted by URSB over a seven-year period

| Financial year | | 2016/ 2017 | 2017/ 2018 | 2018/ 2019 | 2019/ 2020 | 2020/ 2021 | 2021/ 2022 | 2022/ 2023 | 2023/ 2024 Half-year |
|---|---|---|---|---|---|---|---|---|---|
| **Complaints received** | Trademark infringement | 23 | 32 | 44 | 31 | 53 | 61 | 40 | 39 |
| | Copyright infringement | 8 | 12 | 18 | 23 | 8 | 8 | 8 | 4 |
| | Industrial designs | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| | **Total number of complaints** | **32** | **46** | **62** | **54** | **61** | **69** | **48** | **43** |
| **Cases Handled in court** | Trademark infringement | 2 | 4 | 5 | 8 | 18 | 17 | 22 | 7 |
| | Copyright infringement | 2 | 2 | 4 | 2 | 2 | 2 | 0 | 0 |
| | Industrial designs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| | **Total number of prosecuted IP cases** | **4** | **6** | **9** | **10** | **20** | **19** | **22** | **7** |
| **Concluded cases** | **Number of convictions** | **4** | **6** | **9** | **10** | **20** | **18** | **18** | **5** |
| | Reconciliation | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| | Criminal proceedings stayed pending determination of case in Civil Court | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 |

# GREATEST ACHIEVEMENTS OF THE ENFORCEMENT COORDINATION UNIT

1. Seizing of infringing goods worth 69.5 billion Uganda shillings (approximately 19 million US dollars) and destruction of the same.
2. Support to CMOs with spot inspections.
3. Successful prosecutions.
4. Strengthened partnerships.
5. Reduction in IP infringements.
6. Enhancement of public awareness.

# OBSTACLES TO ESTABLISHING THE ENFORCEMENT COORDINATION UNIT

1. Legal and regulatory challenges.
2. Lack of understanding of IP.
3. Inadequate resources.
4. Lack of awareness.
5. Privacy concerns.
6. Coordination constraints due to different priorities.
7. Lack of storage facilities.
8. Human resource constraints.

# PLANNED FUTURE IMPROVEMENTS

1. Technology advancement (monitoring, tracking, AI).
2. Legal reforms.
3. Increased capacity building.
4. Improved funding.
5. Investing in research.
6. Preparing for emerging issues.
7. Better streamlined processes.

# CONCLUSION

The establishment of the Intellectual Property Coordination Unit was a significant step towards protecting and enforcing intellectual property rights in Uganda.

This Unit has enabled Uganda to take a coordinated and strategic approach in fighting IP crimes thereby safeguarding the moral and economic interests in every IP in the land.

This further also shows the Government of Uganda's commitment to building an environment that protects local and foreign innovators, creators and investors, which is a crucial component of fostering a thriving, innovative economy.

# Pictorial of URSB's Enforcement Unit handing over compendiums of IP laws to the Commandant of the Police Senior Command and Staff College in Bwebajja

# Pictorial of URSB training of Senior Police Officers at the Police Training School Kabalye in Masindi District

# Pictorial of URSB's exhibit storage facility

# Pictorial of the signing of the MOU between the ODPP and URSB

# Pictorial of courtesy visit to the Standards, Utilities, and Wildlife Court

# Pictorial of enforcement operation

# Uganda Business Facilitation Centre

# THANK YOU

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# Intellectual Property Enforcement Coordination in the United States

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# Agenda

- History of Intellectual Property Enforcement Coordination in the U.S. Government
- Office of the Intellectual Property Enforcement Coordinator (IPEC)
- IPEC Reports
  - Joint Strategic Plan
  - Annual Report to Congress
- Whole of Government Approach
  - National Intellectual Property Rights Coordination Center (IPR Center)
- Engagement with Private Sector

# History of IPEC

The United States has had a coordinative body on intellectual property, in some form, since 1999.

**1999: National Intellectual Property Law Enforcement Coordination Council (NIPLECC)**

- Established to coordinate domestic and international intellectual property law enforcement among federal and foreign entities, issued an annual report on its coordination activities to the President and Congress.

**2004: Presidentially-appointed position of the Coordinator for International Intellectual Property Enforcement**

- Placed in the Commerce Department and further defined the role of the NIPLECC to include promulgating a strategy for protecting American intellectual property overseas.

**2008: Intellectual Property Enforcement Coordinator (IPEC)**

- Replaced NIPLECC and the Coordinator for International Intellectual Property Enforcement.

# Office of the Intellectual Property Enforcement Coordinator (IPEC)

- The current structure – the Office of the Intellectual Property Enforcement Coordinator (IPEC) – was established in 2008 to advise the President and coordinate with Cabinet departments and agencies on the development of the United States' overall intellectual property policy and strategy, to promote innovation and creativity and to ensure effective intellectual property protection and enforcement, domestically and abroad.
  - The Office is led by a Senate-confirmed Presidential appointee.

- Placed within the Executive Office of the President (EOP).
  - The EOP is the home of the White House offices that support the President and the Vice President.
    - Includes such offices as the National Security Council (NSC), National Economic Council (NEC), the US Trade Representative (USTR), the Office of Science and Technology Policy (OSTP), and the Office of Management and Budget (OMB), among others.

# Duties of the IPEC

- IPEC coordinates with the different agencies responsible for IP enforcement, each of which has its own subject matter expertise and areas of responsibility.

- The duties of the IPEC are set forth in 15 U.S.C. §8111 and include, among other things:
  - Chairing an interagency intellectual property enforcement advisory committee;
  - Coordinating the development of the Joint Strategic Plan;
  - Assisting, at the request of departments and agencies in the implementation of the Joint Strategic Plan;
  - Submitting an annual report to the President and Congress on domestic and international intellectual property enforcement programs; and
  - Carrying out such other functions that the President directs.

- Note: IPEC may not control or direct any law enforcement agency, including the Department of Justice, in the exercise of its investigative or prosecutorial authority.

# U.S. Government IP Expertise

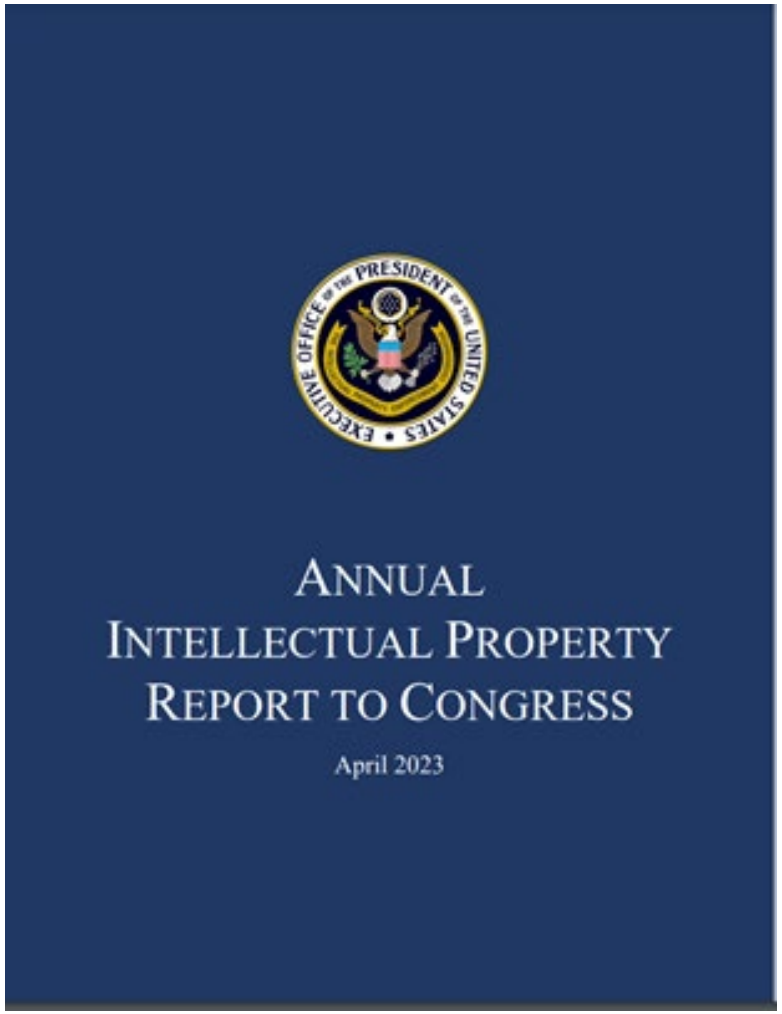
| | | | | |
|---|---|---|---|---|
| Department of Agriculture | Department of Commerce (including USPTO, ITA, and CLDP) | Department of Defense | Department of Health and Human Services | Department of Homeland Security (including CBP, ICE/HSI) |
| Department of Justice (including FBI) | Department of Labor | Department of State | Department of Treasury | Office of the IP Enforcement Coordinator (IPEC) |
| Office of Science and Technology Policy (OSTP) | Office of the U.S. Trade Representative (USTR) | Copyright Office | U.S. International Trade Commission | |

# The Joint Strategic Plan

- IPEC issues every three years (or so) a Joint Strategic Plan for IP protection.
- The Joint Strategic Plan addresses the wide range of IP protection issues.
- The most recent Joint Strategic Plan was issued in November 2020, near the end of the prior Administration.
- Request for comment from stakeholders.

# Annual IP Report to Congress

- Outlines the Federal Government's IP protection and enforcement activities for a given fiscal year.
- Based on submissions we receive from the departments and agencies.
  - Departments of Agriculture, Commerce, Defense, Health and Human Services, Homeland Security, State, and Treasury, the Office of the U.S. Trade Representative, and the U.S. Copyright Office



# Whole of Government Approach

| Broad coordination and collaboration of IP enforcement policy at the national level | | |
|---|---|---|
| Minimize duplication of efforts | Maximize the impact of the USG's enforcement activities | Affirmatively identify and implement ways to strengthen IP enforcement |

Coordination is necessary with respect to both policy issues and law enforcement operations.

- Examples of "Whole of Government" Approach:

# Whole of Government Operational Approach

- National Intellectual Property Rights Coordination Center (IPR Center)
  - Led by a Director from DHS/HSI and
    - Deputy Directors from DHS/CBP and the DOJ/FBI

  - Serves as a clearinghouse for investigations into counterfeiting and piracy and strives to share critical information and raise awareness to the dangers of IP theft, fraud, cyber intrusions, and trade violations by coordinating with the 25 US and international government agencies.

  - Includes representatives from 20 Federal agencies and offices, as well as from Interpol, Europol, the City of London Police, the Mexican Revenue Service, and the Royal Canadian Mounted Police – plus partnerships with several private sector organizations.

# IPR Center's Governmental Partners

https://www.iprcenter.gov/partnerships

# Engagement with the Private Sector

- Stakeholders can provide valuable first-hand information on their experiences. They can also share their views on particular issues, so we can better understand the potential impacts of policy decisions.
- Regular interaction through both informal discussions and formal consultations
  - Policy-related discussions:
    - Request for Comments
      - IPEC: Issues a request for comments for public input on the development of the Joint Strategic Plan.
      - USPTO: Issued a request for comments on “Future Strategies in Anticounterfeiting and Antipiracy” last year and held a roundtable.
      - USTR: Issues request for comments for development of their Special 301 and Notorious Markets Reports.
    - Operations-related discussions:
      - Partnerships with government agencies.

# Conclusion

- Given the number of departments, offices, and agencies that share responsibility for IP enforcement, coordination and strategy-setting is essential for national effectiveness.

- A “Whole of Government” approach to IP enforcement seeks to break down silos that can exist amongst government agencies, maximizing collaboration.
  - Leverages the resources, skills, and authorities of each individual governmental entity, and better ensures a comprehensive response to IP theft.

- Collaboration between government and private industry, trade associations, civil society—including consumer groups and labor unions, as well as other governments across the world is a critical piece of addressing IP theft.

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