



## **Choking the Flow of Counterfeits: Reinforcing Supply Chain Integrity**

WIPO's Work in  
International Cooperation on Building  
Respect for Intellectual Property

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Building Respect for IP Division

# WIPO's Role: Building Respect for IP

- World Intellectual Property Organization
- WIPO Strategic Goal VI: International Cooperation on Building Respect for IP
- To approach IP enforcement in the context of broader societal interests and especially development-oriented concerns

# WIPO's Role: Building Respect for IP

## ■ Objectives

- Progress in the international policy dialogue among WIPO Member States
- Tailored and balanced IP legislative, regulatory and policy frameworks
- Enhanced capacity at the national level to develop and give effect to IP enforcement policies and measures, taking into account socio-economic and development-oriented concerns
- Systematic and effective cooperation and coordination between the work of WIPO and other international organizations in the field of building respect for IP

# The WIPO Advisory Committee on Enforcement (ACE) – Work Program

- The role of the judiciary and the prosecution in enforcement
- Education and awareness-building, including training
- Criminal enforcement
- Contribution of, and costs to, right holders in enforcement of IPRs
- Types of infractions and motivations for IPR infringements
- Methodologies that measure the social, economic and commercial impact of counterfeiting and piracy
- Alternate models and other possible options from a socio-economic welfare perspective to address counterfeiting and piracy
- Alternative dispute resolution systems in IP areas
- Preventive actions, measures or successful experiences to complement ongoing enforcement measures with a view to reducing the size of the market for pirated or counterfeited goods.

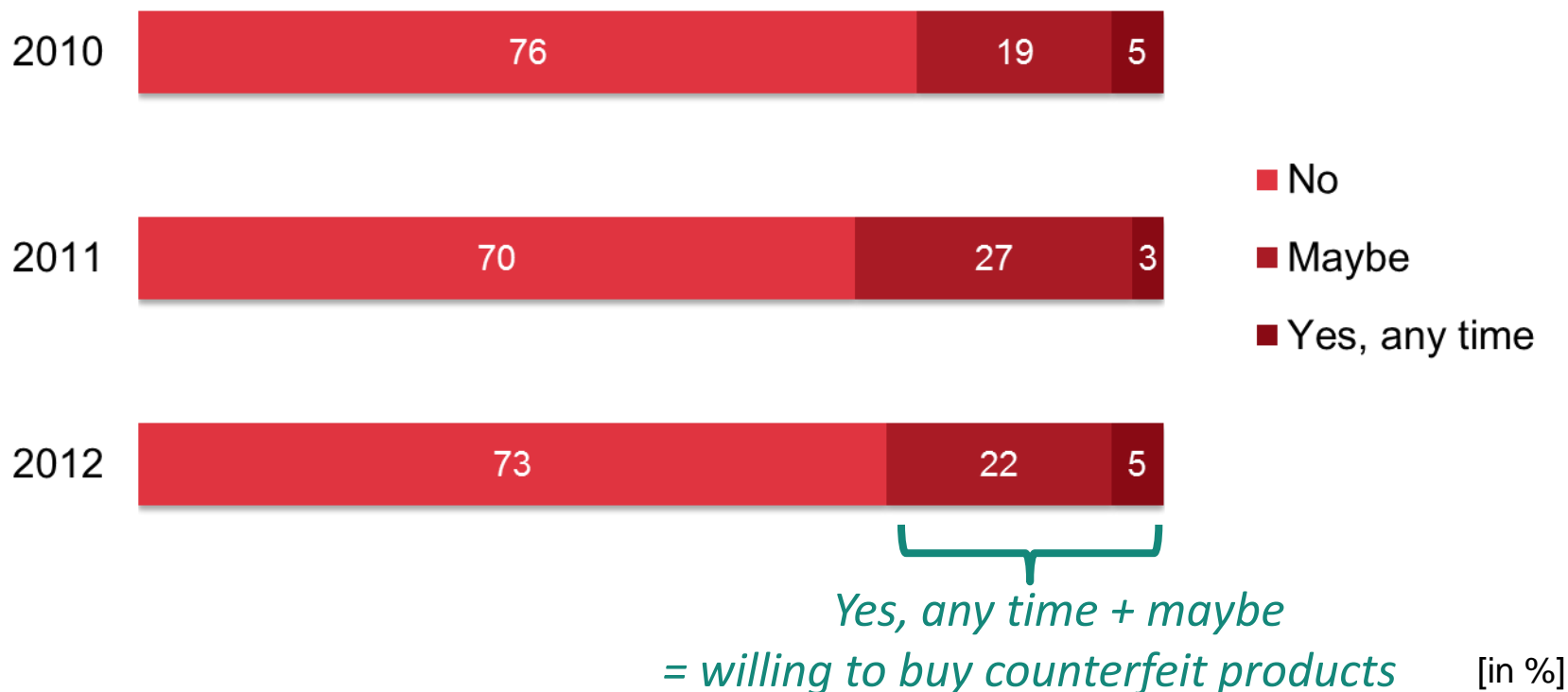
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Attitude 2010 - 2012:

***Would you consciously buy counterfeit products  
(illegal, copied, of a non-reliable source, illegally downloaded)?***

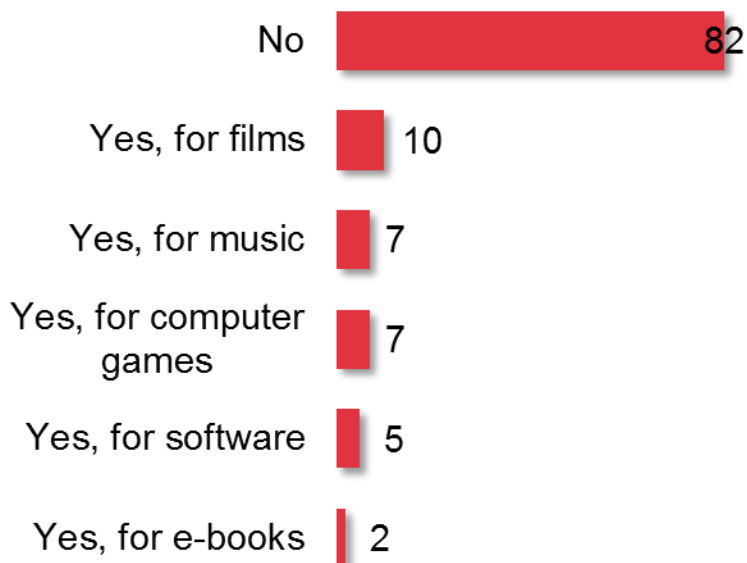
One quarter of Hungarian population is willing to buy counterfeit products.



# What is the attitude of students towards paying for online content?

Eight out of ten students would not pay for downloading content.

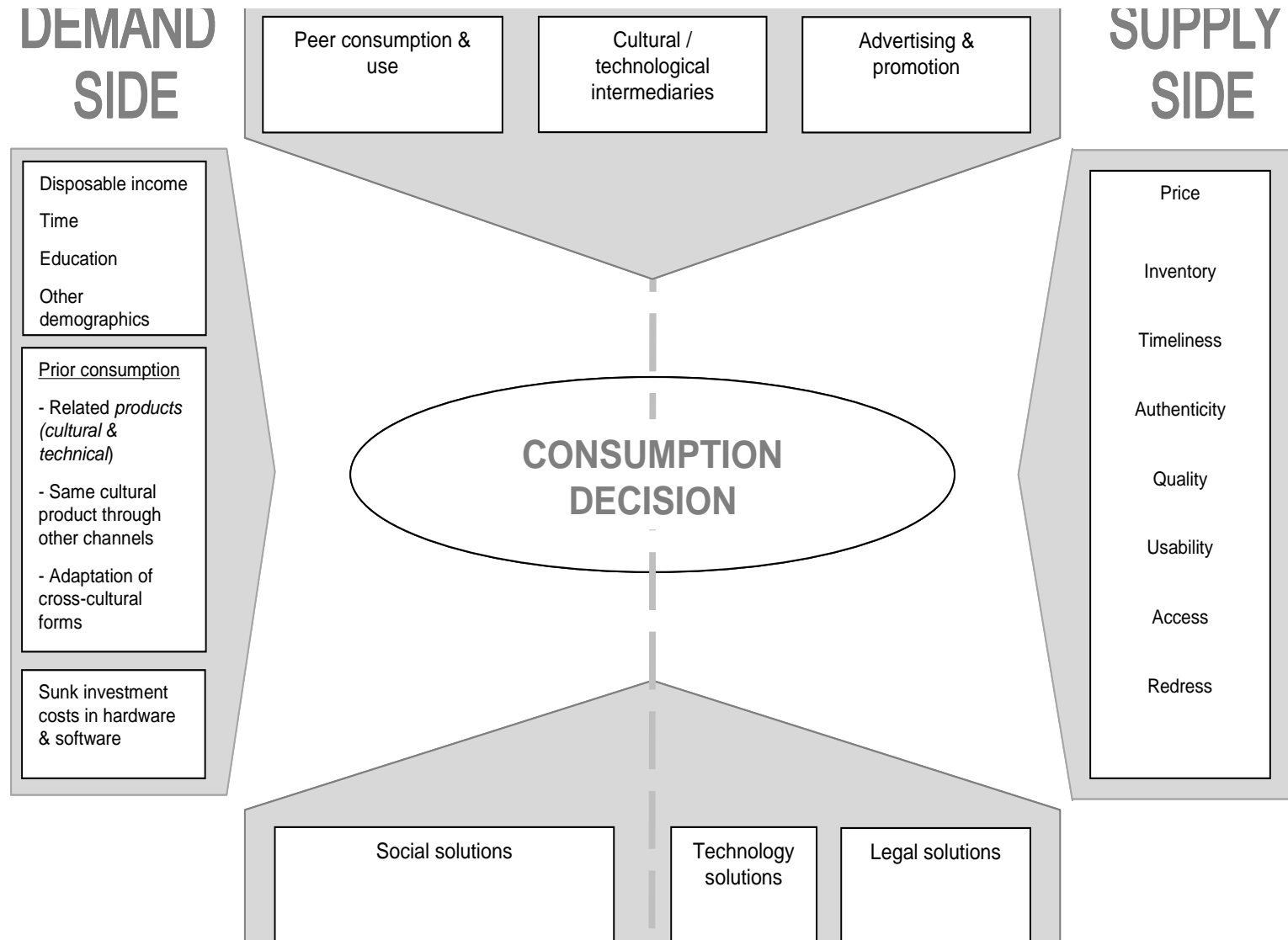
Have you ever paid for downloading film, music, computer game etc.?



Would you pay for downloading content (music, film, e-book) from the Internet?

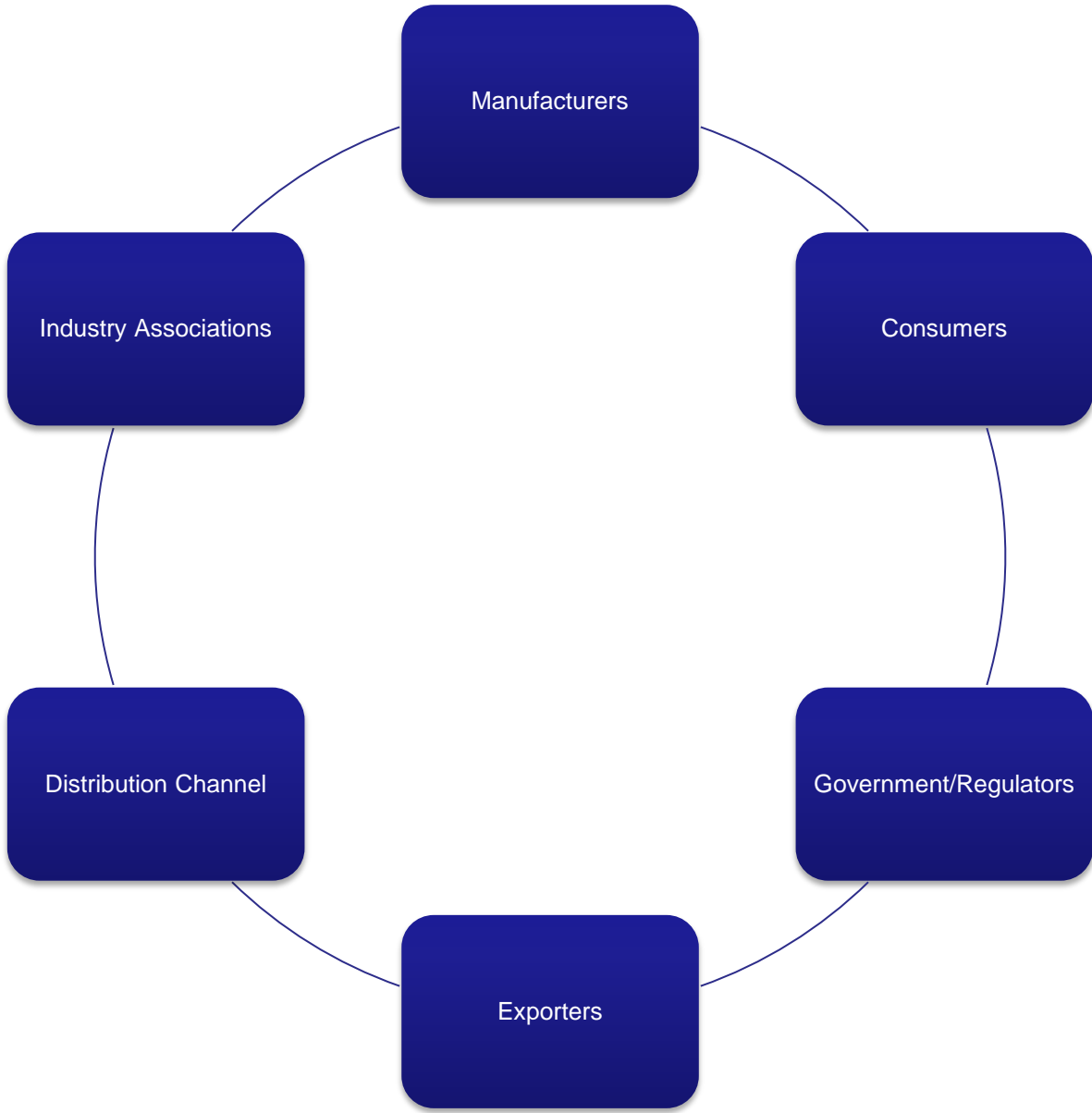


[in %]



“Work under Way in the UK IPO, and Work by SABIP”  
WIPO/ACE/7/7





# The Example of the Uniform Domain Name Dispute Resolution Policy

■ “[T]his Panel concludes that use of the Disputed Domain Name to offer for sale what appear to be counterfeit products associated with VOGUE Trademarks constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.”

■ [Advance Magazine Publishers Inc. v. Arena International Inc., WIPO Case No. D2011-0203]

The screenshot shows the homepage of buyvogue.com, 'THE ONLINE FASHION STORE'. The page features a search bar at the top right with the text 'Search: - All Categories -' and 'Enter search key'. Below the search bar is a large banner for a 'Summer Sale' with the text 'Shipping & Handling Free' and 'Shop for Prada America's Cup High-Top Sneakers and save 5%, shop for all Wallets and save 4% now.' The main content area is divided into several sections:

- Sneakers & Shoes:** A list of products including Prada America's Cup High Top Mens Sneakers, Prada America's Cup Mens Sneakers, Fendi Mens Sneakers, Gucci Mens Sneakers, Prada Linea Rossa Mens Sneakers, Prada Mens Sandals, Gucci Mens Sandals, Prada Monte Carlo Mens Sneakers, Prada America's Cup High Top Womens Sneakers, Prada America's Cup Womens Sneakers, Fendi Womens Sneakers, Gucci Womens Sneakers, Gucci Womens Shoes, Gucci Womens Sandals, Prada Linea Rossa Womens Sneakers, and Prada Monte Carlo Womens Sneakers.
- Accessories:** A list of products including Gucci Belts, Prada Belts, and Wallets.
- Clothing:** A list of products including Burberry Mens Shirts, Emporio Armani Mens T-Shirts, Burberry Mens T-Shirts, Prada Mens T-Shirts, Burberry Womens Shirts, and Burberry Womens T-Shirts.
- SPECIALS:** A section featuring a pair of sneakers.

Product listings include:

- Gucci Belt Stripes Canvas: \$299.00 - \$109.00 (Save: 64% off)
- Prada America's Cup Green Metallic Patent Women Sneakers: \$428.00 - \$159.00 (Save: 63% off)

Each product listing includes a 'Product Details' button and an 'Add to Cart' button. The 'AVAILABLE SIZES' dropdown menu is visible for each product.

# UDRP Cases

- Global
- Administrative (Outsourced)
- Cost/Time Efficient
- Uniformly incorporated in contractual framework (mandatory decision implementation)
  - ICANN
  - 1,000 Registrars
  - Over 1,000,000 (gTLD) registrations

# WIPO UDRP

- Parties from 165 countries
- Over 450 panelists from all continents
- USD 1,500 filing fee
- 60 days
- Some 27,000 cases, covering over 45,000 domain names

# “Charte de lutte contre la contrefaçon sur Internet” France, December 2009

- Within the framework of the French Ministry of Industry
  
- Signatories
  - Professional Federations (COMITE COLBERT, FEBEA, FIFAS, LEEM, UNIFAB)
  - IP Owners (Berluti, Celine, Chanel, Christian Dior Courture, L’Oreal, LVMH, Microsoft France, Nike Europe, Novartis, Pfizer, Sanofi Aventis, etc)
  - E-Commerce Platforms (Priceminister, 2xmoinscher.com)
  
- Limited to e-commerce platforms

# European Union MoU, May 2011

- Within framework of the European Commission  
DG Internal Market
  
- Signatories: Adidas, Microsoft, BIEM, Burberry,  
eBay, Lacoste, Lego, LVMH, MPA, Nokia,  
PriceMinister, Richemont, etc.
  
- Code of practice in the fight against the sale of  
counterfeit goods over the Internet
  - Not covered: parallel imports, grey market  
goods, licensing disputes
  
- Not legally binding; no contractual obligations

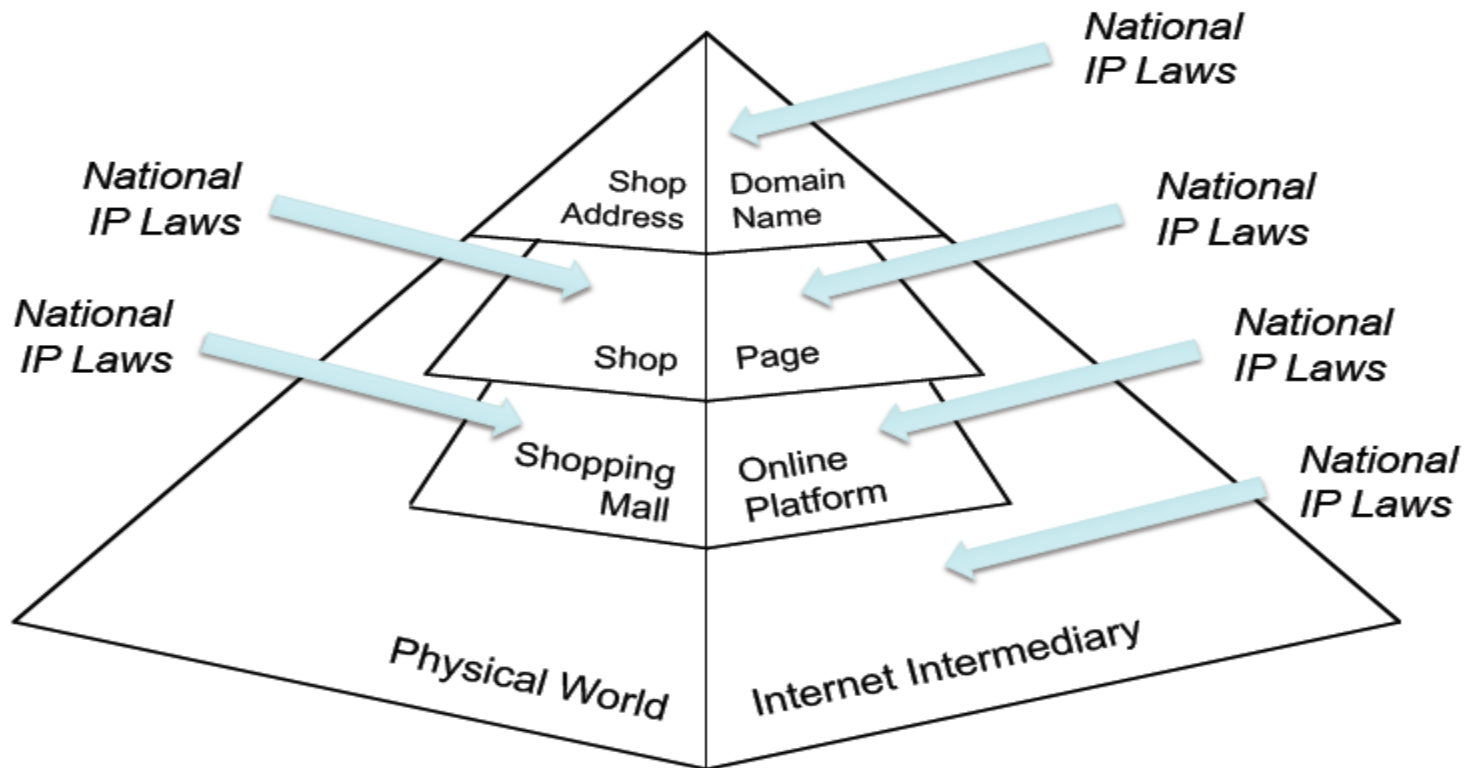
# US MoU

- Signatories: MPAA, RIAA, Walt Disney Studios, Paramount Pictures, AT&T, Verizon, Comcast, Time Warner Cable, etc.
- Online copyright infringement
- Establishment of Center for Copyright Information (CCI)

## Center for Copyright Information

The screenshot displays the website for the Center for Copyright Information. At the top, there is a navigation menu with links for HOME, ABOUT, COPYRIGHT ALERTS, NEWS, FACTS, FAQ, and CONTACT US. Below the menu is a large grid of small images. A white banner with a red title 'Common Framework' is overlaid on the grid, containing the text 'Music, Film, TV and Broadband Collaborate to Curb Online Content Theft >>' and a 'READ MORE' button. Below the grid, there are three main sections: 'ON TWITTER' with a tweet from @CopyrightInfo, 'NEWS FEED' with a news article titled 'Music, Film, TV, and Broadband Collaborate to Curb Online Content Theft', and 'FACTS' with a bar chart and the title 'Content Theft Costs America:'. The 'FACTS' section lists three statistics: 'More than 373,000 Jobs', 'Some \$16 Billion in Lost Wages', and '\$2.6 Billion in Lost Taxes'. At the bottom of the page, there is a footer with links for Home, About, Copyright Alerts, News (with sub-links for Press Releases and Headlines), Facts, FAQ, and Contact Us. A 'Privacy Policy | Contact Us' link is also present.

# Mechanisms for Resolving IP Disputes



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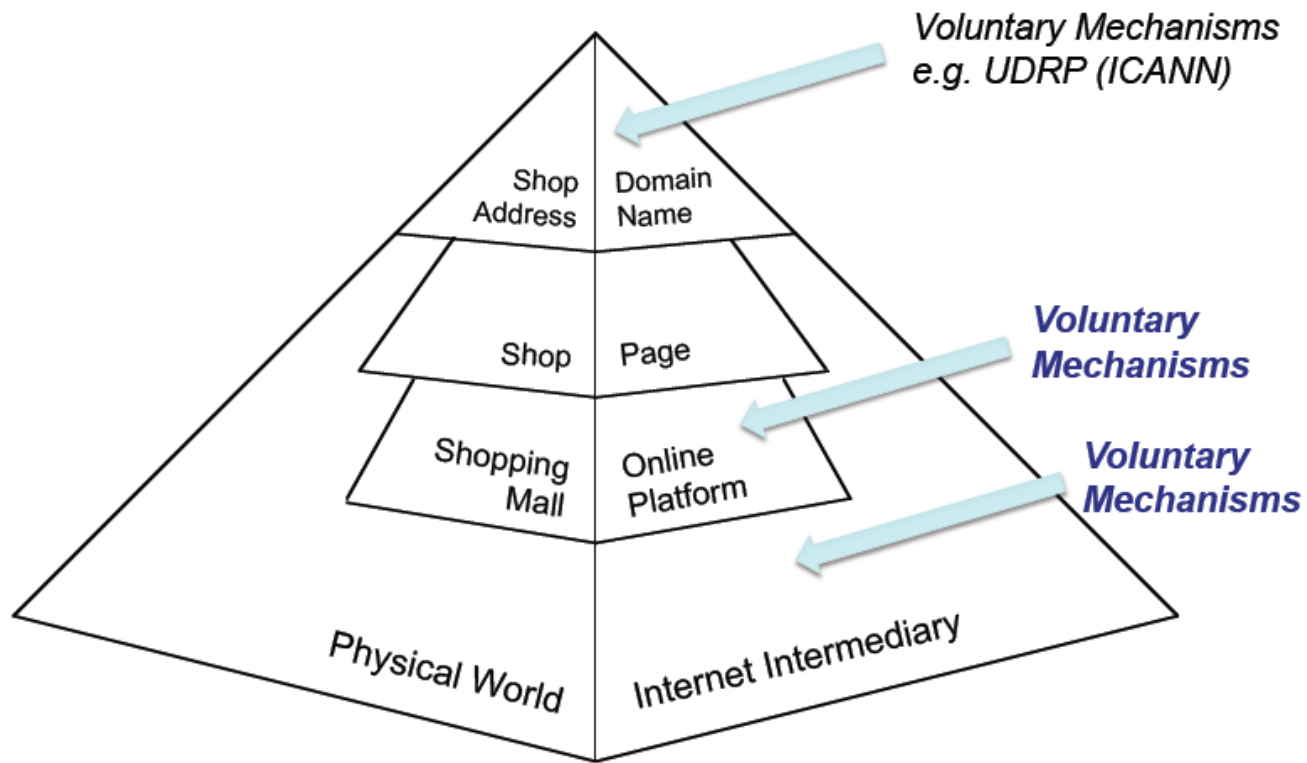


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Source: Andrew Christie, WIPO/ACE/8/10

WIPO  
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION

# Mechanisms for Resolving IP Disputes



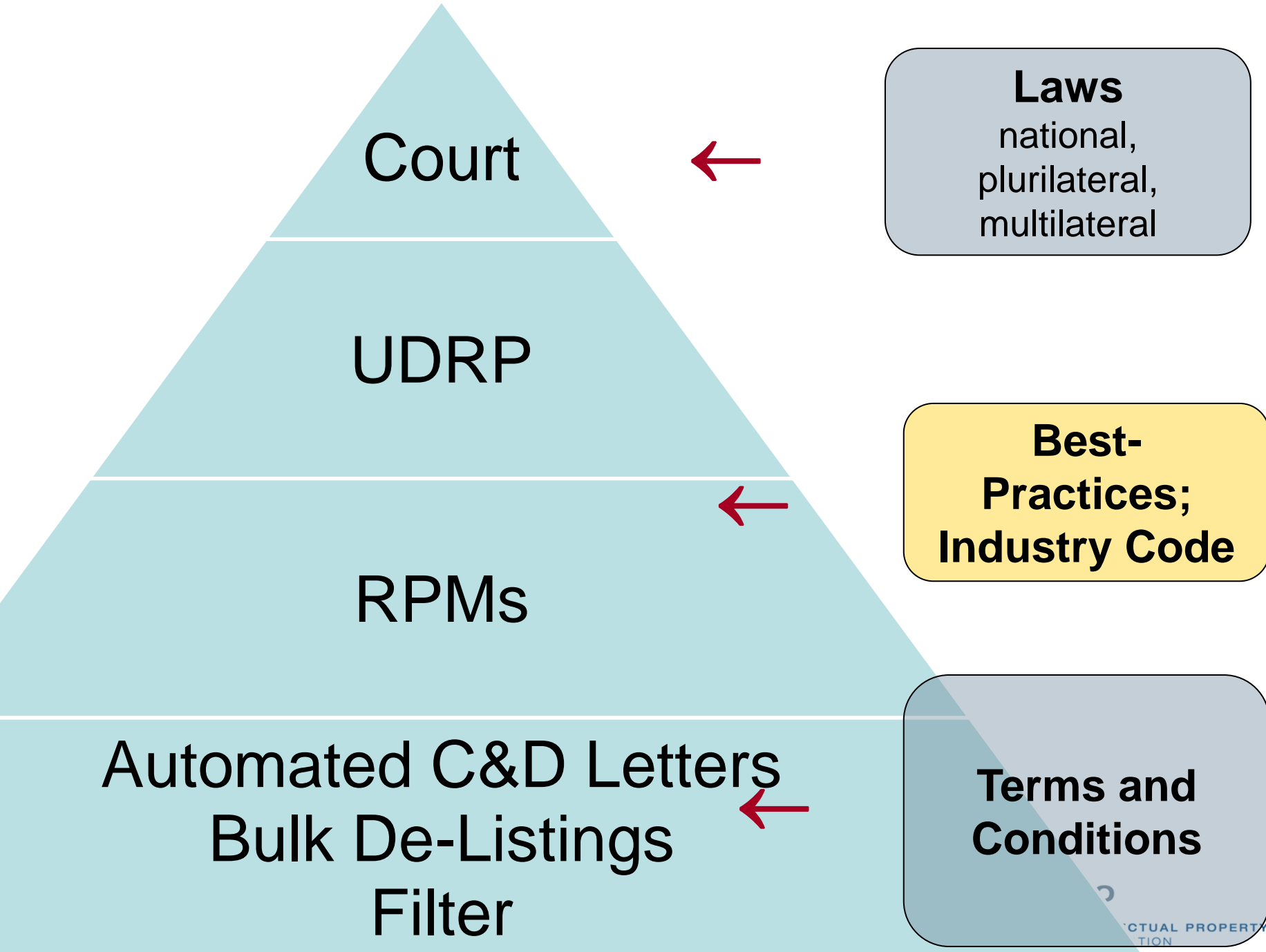
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Source: Andrew Christie, WIPO/ACE/8/10





# Benefits of “Voluntary Programs”

- Flexibility
- Scalability
- Timely implementation
- Reflection of stakeholders’ interests and needs
- Bottom-up evolution
- Consensual and collaborative in design
- Development with evolution in business, technology, law, etc.
- Reduce uncertainties and litigation
- Aimed at providing safe harbors
- Reduce jurisdictional issues

# Creative solutions

