



EU OBSERVATORY
EUROPEAN OBSERVATORY ON INFRINGEMENTS
OF INTELLECTUAL PROPERTY RIGHTS



EU OBSERVATORY

**EUROPEAN OBSERVATORY ON INFRINGEMENTS
OF INTELLECTUAL PROPERTY RIGHTS**



OF INTELLECTUAL PROPERTY RIGHTS
EUROPEAN OBSERVATORY ON INFRINGEMENTS

EU OBSERVATORY

What is the Observatory?



A network of experts from the public and the private sectors with the task to advance knowledge and protection of IP rights in the internal market.



EU OBSERVATORY
EUROPEAN OBSERVATORY ON INFRINGEMENTS
OF INTELLECTUAL PROPERTY RIGHTS

Background



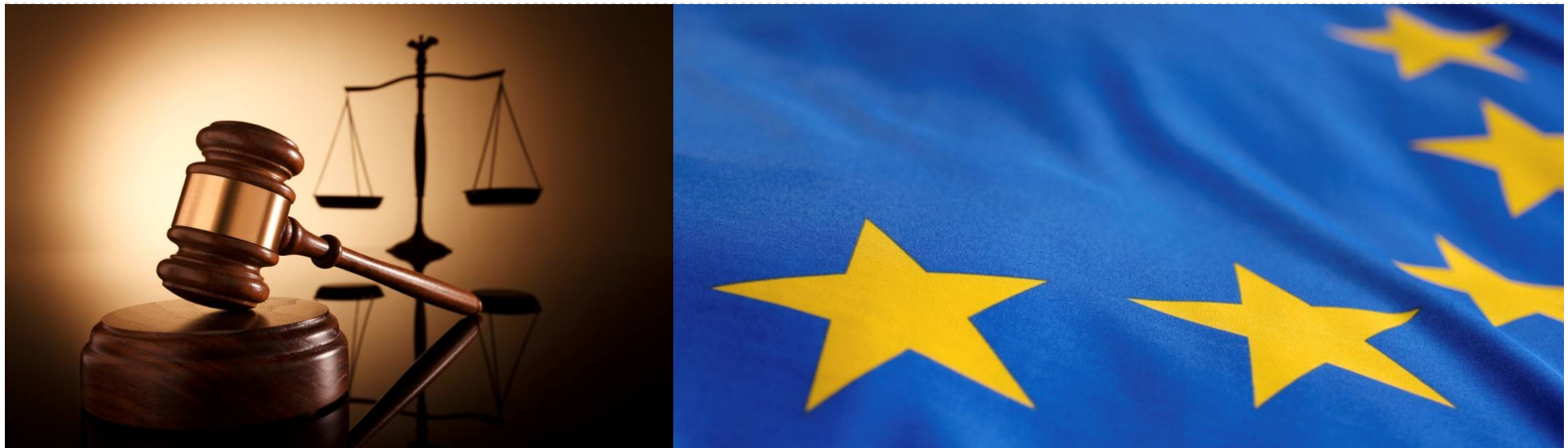
- | Established in April 2009 with two main tasks
 - Delivering independent data
 - Raising public awareness

- | Additional tasks
 - Exchanging and promoting best practices
 - Training programmes
 - Scientific research
 - International cooperation

- | Successful launch, however new setting needed for operational activities

Regulation (EU) No 386/2012

- | Entrust Observatory functions to OHIM
- | Entry into force: June 2012





EU OBSERVATORY
EUROPEAN OBSERVATORY ON INFRINGEMENTS
OF INTELLECTUAL PROPERTY RIGHTS

The Network



- ▮ Member States
- ▮ Commission and European Parliament
- ▮ EU and International organisations
- ▮ Private sector associations
- ▮ Consumers and civil society



Selection criteria for Private Sector



- Must be Pan-European or international organisations
- Must be able to represent companies/authors/creators within their specific sectors
- Must not be individual companies
- Must be affected by counterfeiting or piracy and/or active in enforcement
- Must be able to provide key information about a particular sector, including statistical data in compliance with Art. 5.2.b. of Regulation (EU)368/2012
- Must be registered in the EU Transparency Register (http://europa.eu/transparency-register/index_en.htm)



- | Plenary meetings
- | Public and Private Sector meetings
- | Working Group meetings



I Corresponding to the 5 working areas

- Public awareness WG
- Statistics & Economics WG
 - ACIST
- Enforcement WG
 - Enforcement Database EDB
- Legal WG
 - Case Law Data Base
- IP in the Digital World WG





EDB

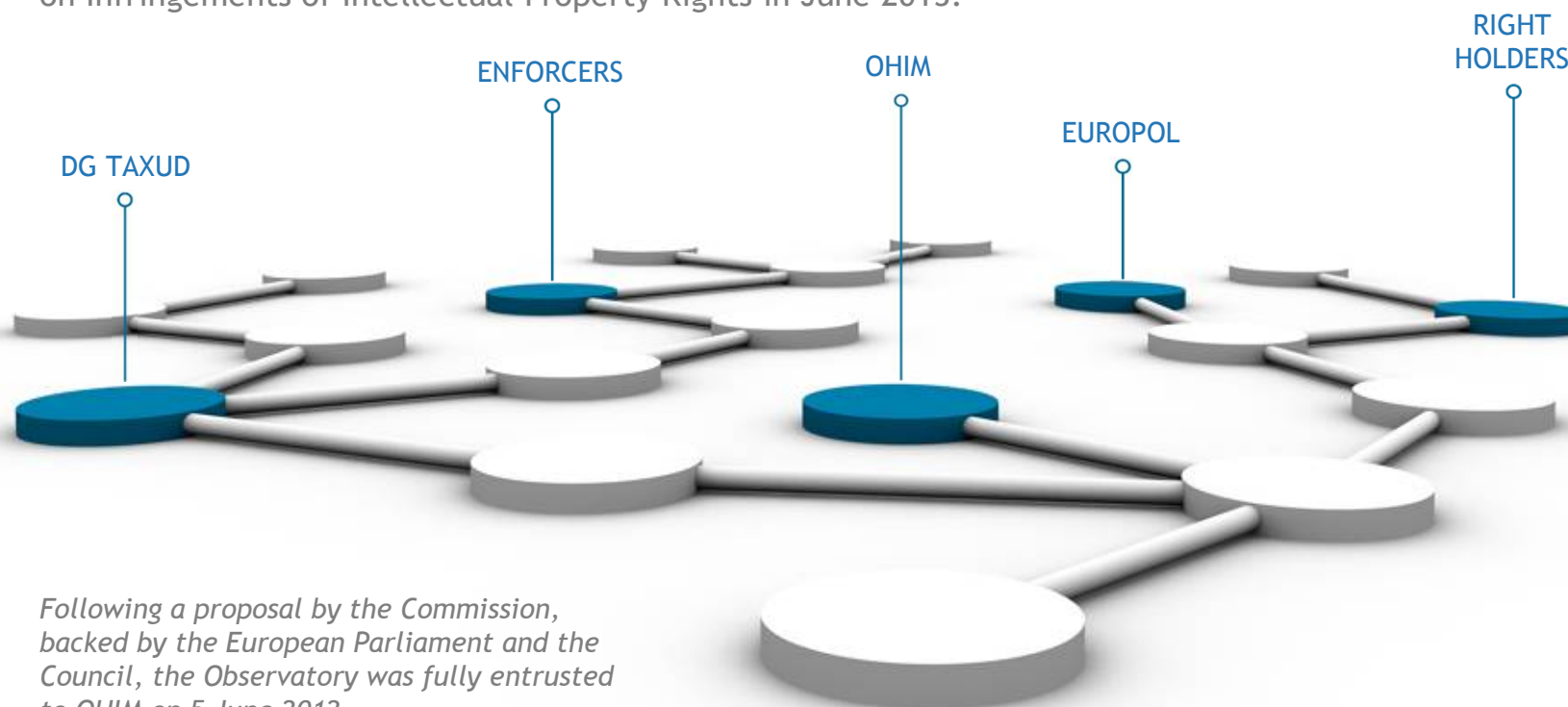
Enforcement Database

Bridging right holders and enforcers'
communication needs



The ENFORCEMENT DATABASE (EDB)

This tool was funded and developed by OHIM through the Cooperation Fund and was transferred to the European Observatory on Infringements of Intellectual Property Rights in June 2013.



Following a proposal by the Commission, backed by the European Parliament and the Council, the Observatory was fully entrusted to OHIM on 5 June 2012.

The Regulation transferring the Observatory to OHIM renamed it as the European Observatory on Infringements of Intellectual Property Rights. The Observatory will draw on OHIM's expertise, experience and resources with a view to becoming an information centre par excellence.



OHIM

ACHIEVEMENTS



The OHIM has a large experience in the development of online tools and databases. All these applications have been developed in close collaboration with our stakeholders.

The OHIM through the Observatory has been entrusted to provide data, tools and databases to support the fight against IP infringement.



What is the EDB?

The EDB is a secure web based platform for IP right holders, customs and police which is built upon TMview and Designview. It was developed to help enforcement authorities to distinguish genuine goods from counterfeits. Furthermore right holders can generate a pre-filled Application for Action.

BUILT UPON TMview AND DesignView



Product information

Product Information

Information about the products, images, logistics, etc.



[General Info](#)



[Product Images](#)



[Genuine Logistics](#)



[Past Cases](#)



[Companies Involved](#)



[View IPR related to this Product](#)



[Market Value \(EU\)](#)



[Product Document Portfolio](#)

Company Information

Company Information

Information about the company, contact points and IPR portfolio.



Product Portfolio



Company Details



Contact Points



IPR Portfolio



Additional Webpages

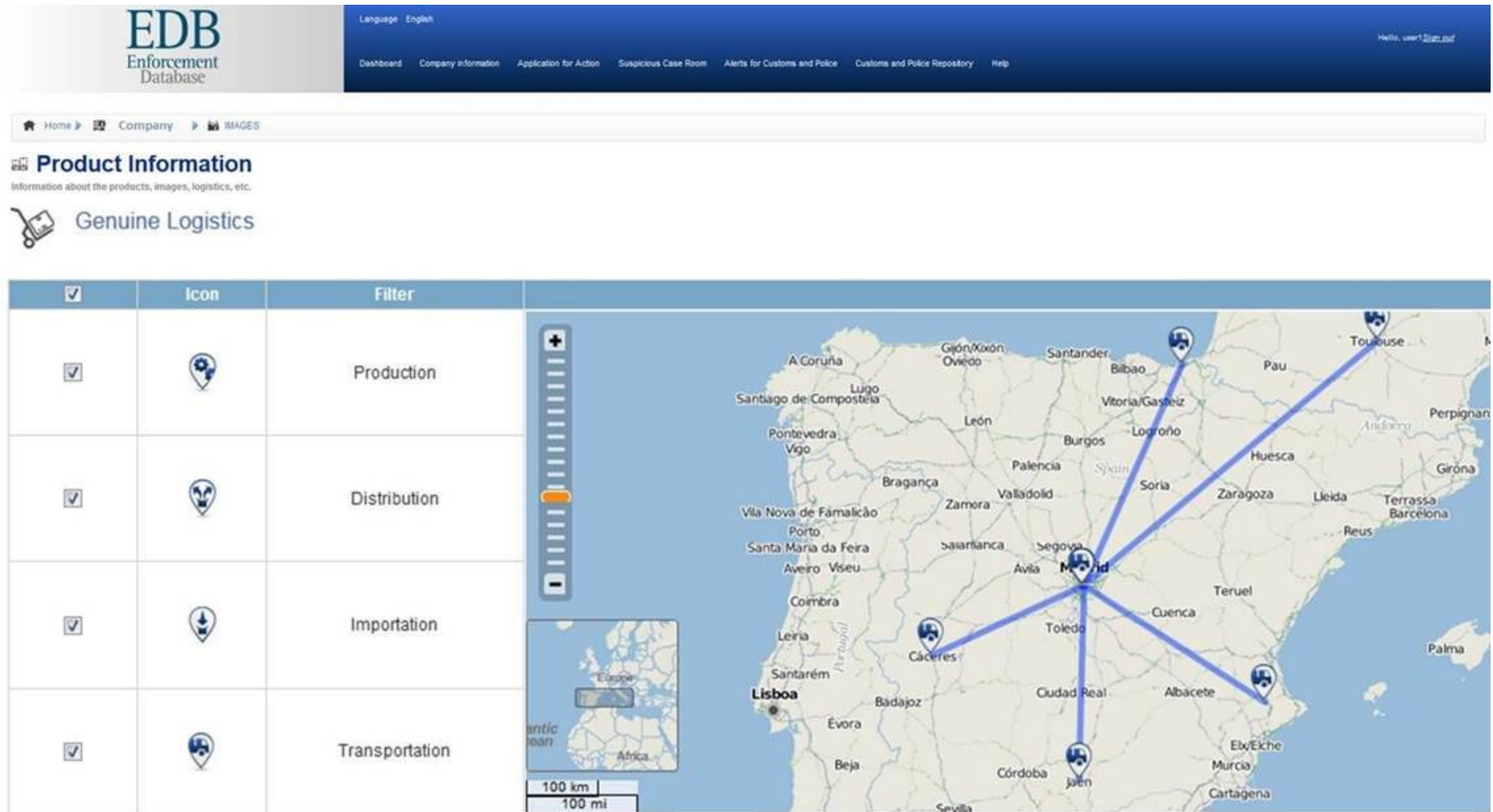


Selling Strategy



Document Portfolio

Genuine Logistics



Suspicious Cases



Language English

Dashboard

Company Information

Application for Action

Suspicious Case Room

Alerts for Customs and Police

Customs and Police Repository

Help

Suspicious Case Room

Companies can be alerted by authorities when they find suspicious goods. The companies can review and answer the authorities' questions regarding the case.

COMPANY	STATUS	RIGHT HOLDER ANSWER	DEADLINE	CREATED
Stihl Group	Waiting	Pending	December 8 2013	Thursday, December 5 2013 4:02 PM
Stihl Group	Waiting	I would need more photos	February 28 2014	Tuesday, February 25 2014 6:05 PM
Stihl Group	Waiting	Pending	February 28 2014	Tuesday, February 25 2014 6:18 PM
Company			Deadline	Created

Showing 1 to 3 of 3 entries

Showing 10 entries

Alerts for Authorities



Language English

Dashboard

Company information

Application for Action

Suspicious Case Room

Alerts for Customs and Police

Customs and Police Repository

! Alerts for Customs and Police

Alert authorities whenever a new trend or infringement case has been identified, in this way the alerted authorities can make use of this information in the future.

SENDER	TYPE	CREATION DATE
Stihl Group	Internal Trend	Tuesday, February 25 2014 6:43 PM
Stihl Group	Coming EU Trend	Tuesday, February 25 2014 6:30 PM
Stihl Group	Coming EU Fake Goods	Tuesday, February 25 2014 6:25 PM


Sender

Creation Date

Showing 1 to 3 of 3 entries

Showing 10 entries

AFA Generation



Language English

Dashboard Company information **Application for Action** Suspicious Case Room Alerts for Customs and Police

Select the member states :*

✖ Germany ✖ France

Do you want to generate the product cards of the products related to the selected IPR?

✖ machine Power saws
1385109364000

Languages in which you want to generate the forms:

✖ Dutch ✖ French ✖ English

AFA generated

EUROPEAN UNION – APPLICATION FOR ACTION

1 THE COMPETENT CUSTOMS DEPARTMENT	1. Applicant		For official use
	Name*: Stihl Group		Date of receipt
	Address*: Stihl Street		
	Town*: London		
	Postal Code: 12345		Registration number of application
	Country*: United Kingdom		
	EORI-No:		
	TIN No:		INTELLECTU
	National registration No:		APPLICATION FOR AC
	Telephone: (+)		under Article 6 of
Mobile: (+)			
Fax: (+)			
Email: stihl@group.com			
Website:		2*. Union application	
		National application	
3*. Status of applicant			
<input checked="" type="checkbox"/> Right-holder		<input type="checkbox"/> Group of producers of products with a Geogr such group	
<input type="checkbox"/> Person or entity authorised to use the IP right		<input type="checkbox"/> Operator entitled to use a Geographical Indic	
<input type="checkbox"/> IP collective rights management body		<input type="checkbox"/> Inspection body or authority competent for a	
<input type="checkbox"/> Professional defence body		<input type="checkbox"/> Exclusive license holder covering two or mor	

Is the EDB SECURE?

The EDB is integrated into the secure **DG TAXUD network** for EU customs and will be integrated with a secure **EU police network**.



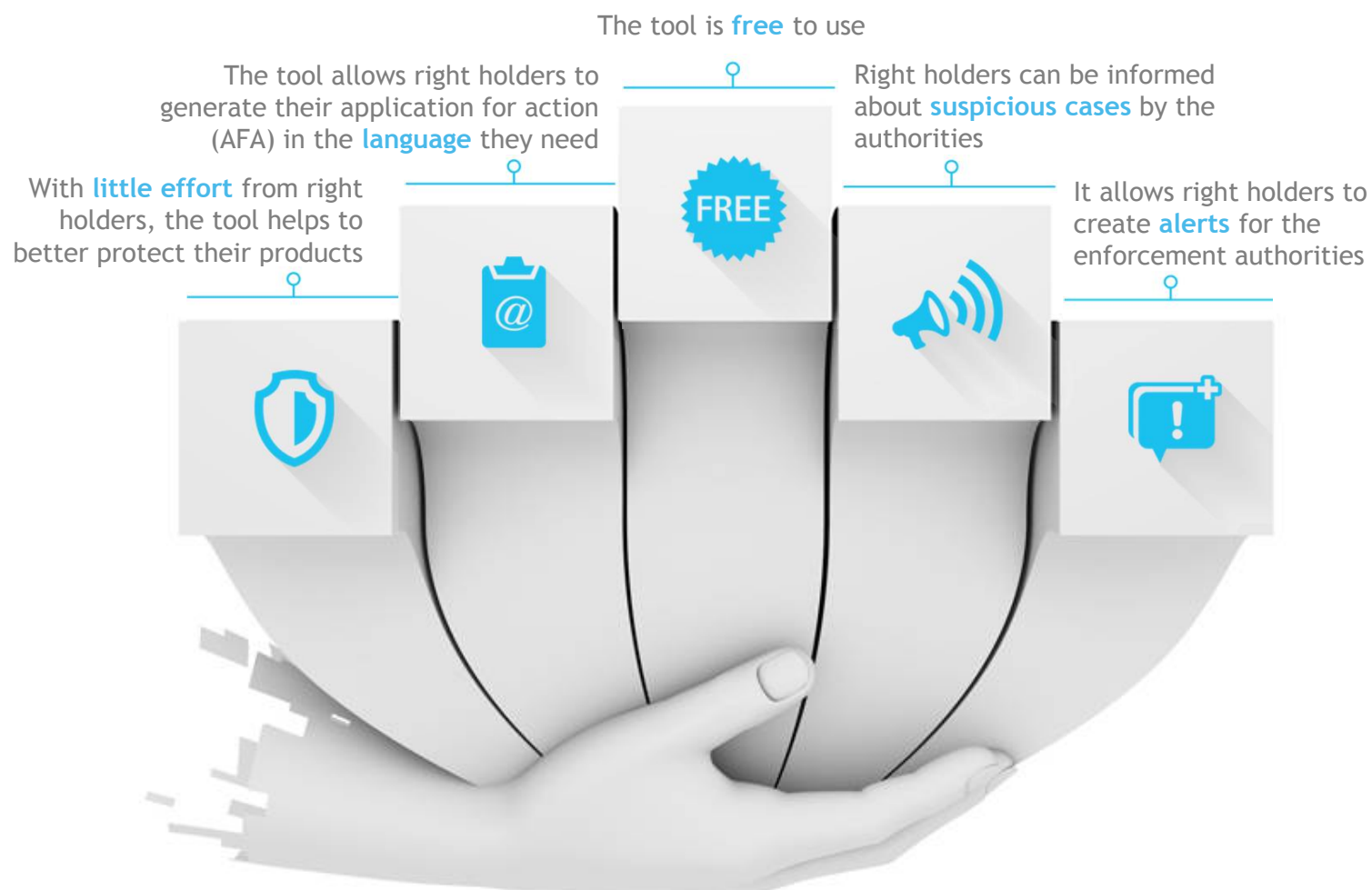
Furthermore, right holders can **select** which enforcement authorities can view their data.



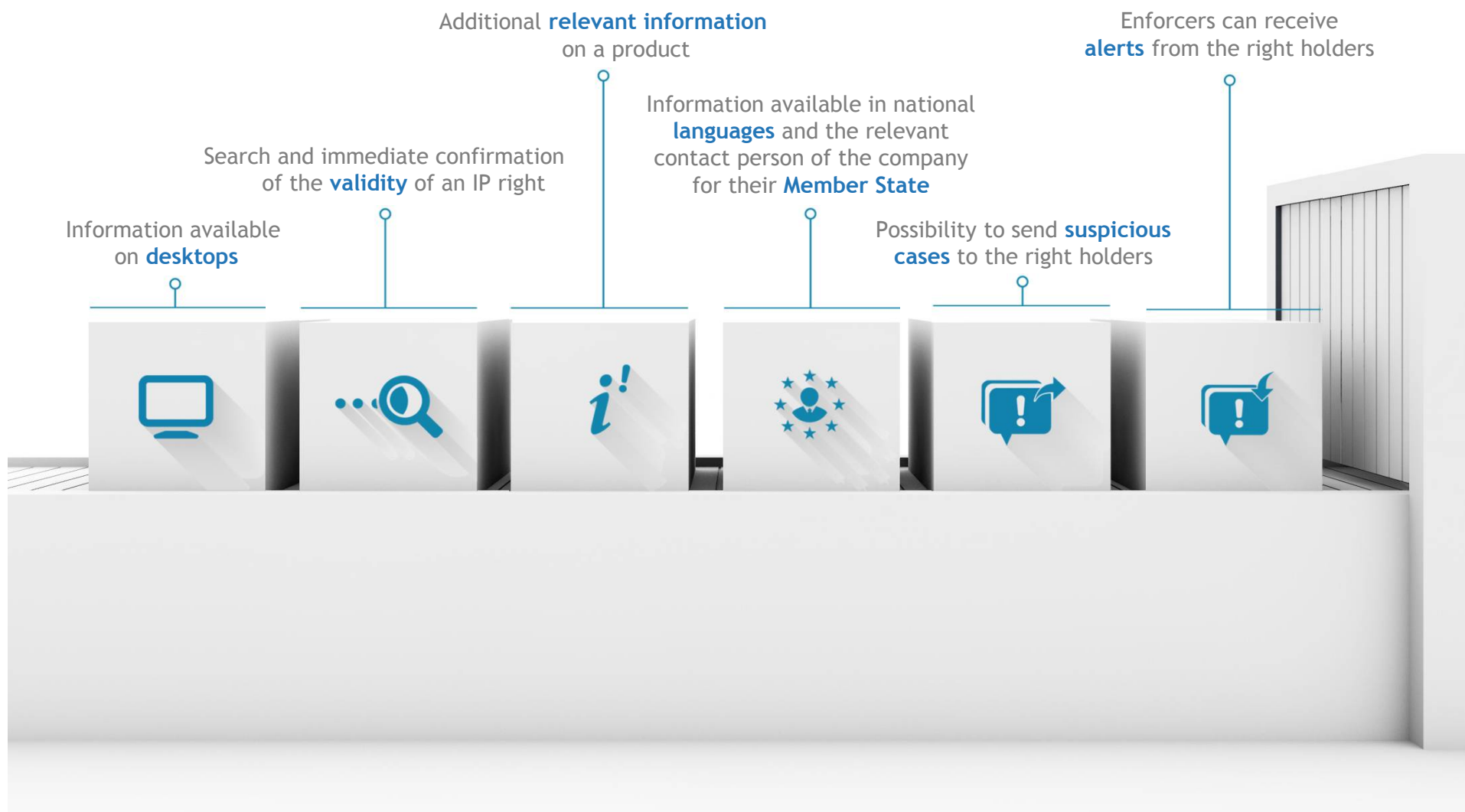
It also underwent a **Security Audit** to guarantee the integrity and confidentiality of the data.



What are the benefits for RIGHT HOLDERS?



What are the benefits for ENFORCERS?



Where are we NOW?

By the end of August 2014, we have achieved....

Functional and technical upgrade

Based on the feedback from companies and customs,
new functionalities and improvements are implemented.

Security certification

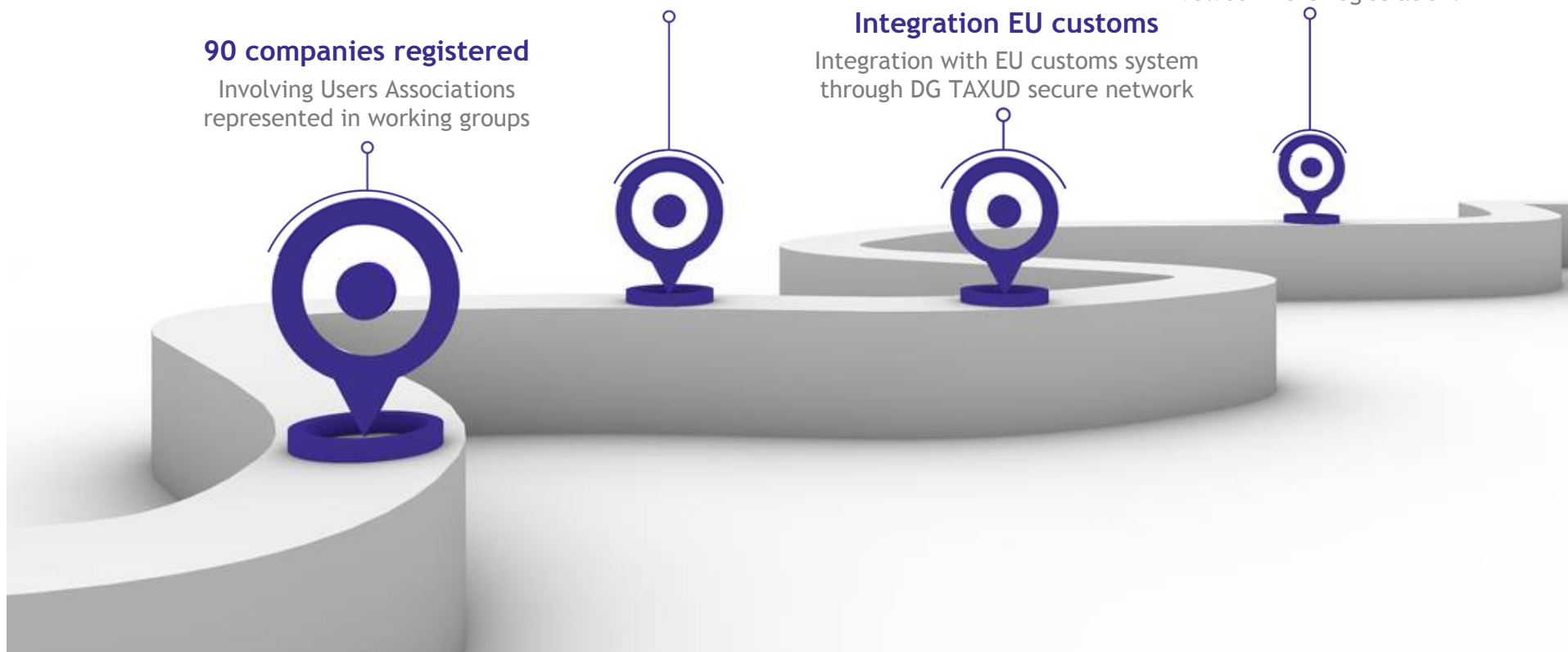
A security certification is expected
after a thorough security audit
on technical standards and processes
involved in the registration.

90 companies registered

Involving Users Associations
represented in working groups

Integration EU customs

Integration with EU customs system
through DG TAXUD secure network



The EDB PLANNING

Release including integration with EU
customs and new functionalities

May 2014

Release including new
functionalities and
corrections

August 2014

Release including new
functionalities

November 2014

Release including new
functionalities and
integration with EUROPOL

March 2015

Integration with IPM and
COPIS (eAFA)

July 2015

Tablet & Mobile friendly,
Barcode reader

2014

2015

Anti-Counterfeiting Intelligence Support Tool - ACIST



Introduction

The aim of ACIST is to develop a methodology for the collection and evaluation of data on counterfeiting, in order to enable enforcement authorities, right-holders and national offices to better combat counterfeiting.

Filter seizures

Detention date:	From: 9/2012 To: 9/2013	Category: All	Country of provenance: All
Detention country:	All	IPR Type: All	Enforcement Authority: All
Detention type:	All		

Evolution Detention country Categories Provenance country Authority **Intellectual property right** Detention type

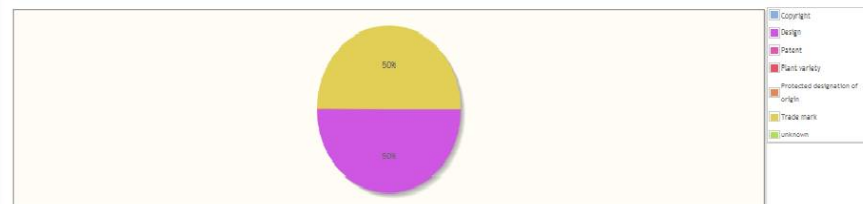
Save and share report: [Save as PDF](#) [Download report](#)

Show: Number of cases

Intellectual property right:



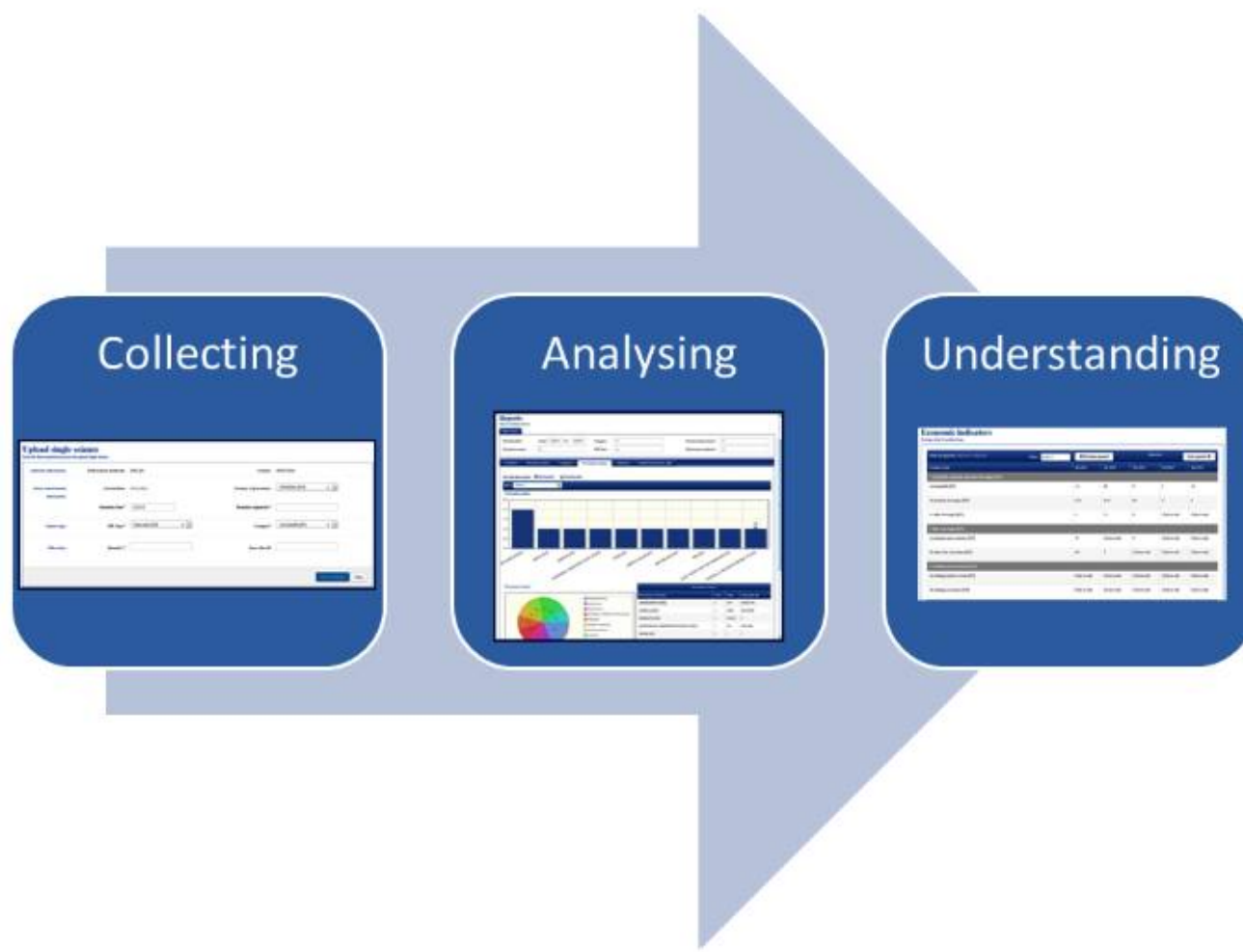
Intellectual property right:



Display 10 records per page

Data report: Intellectual property right			
IPR Types	Cases	Items	Total value (€)
Copyright	1	432423	546582.67
Design	2745	7369190	1372141793.75
Patent	3	3909	46232.51
Plant variety	3	387	489.17
Protected designation of origin	7	26536	316643.51
Trade mark	2738	607036	2738

Project approach



1. Collecting

The purpose of the project is to collect seizures statistics across Europe in a harmonized way.

2. Analysing

As the information is collected following a standard, the different sources of information can be aggregated.

3. Understanding

Seizures can help policy makers understand the shape of the problem. Moreover combining this data with other sources of information the size of the problem could be estimated.

Uploading data

The Enforcement Authorities and National Offices are the data providers for the application.

This data can be uploaded in two different ways:

- Via a user friendly interface to be filled in by the Enforcement Authority.
- Multiple seizure uploads using electronic files. This option is performed by the Observatory based on the data provided by the Enforcement Authority.

single-seizure

Authority information:

Enforcement Authority:

Country: Spain

Source and detention information:

Detention date:

Detention region/city:

Where:

Country of provenance:

Product information:

Product type:

Category:

Other data :

 validate

Filter seizures

Detention date: From: To:

Enforcement Authority:

Where:

Common information:

Detention country: Spain

Enforcement Authority: Enforcement_Authority_ZZZA

Where: Internal market

Actions on selected items:

☐ Delete ☒ Validate ☒ Validate and publish

Display: records per page

	Case ref.	Detention Date	Detention region/city	Country of provenance	Made in Europe	Ip Type	Product type	Category	Quantity	Estimated value of the seizure (€)	
<input type="checkbox"/>	1	09/2013	cc	Press enter to edit	Press enter to edit	Patent	Press enter to edit	other beverages	42343	53521.552	<input type="checkbox"/>
<input type="checkbox"/>	1	09/2013	cc	Press enter to edit	Press enter to edit	Patent	Press enter to edit	other beverages	42343	53521.552	<input type="checkbox"/>

Showing 1 to 2 of 2 records

← Previous

1

Next →

Validate all

Validate and publish all

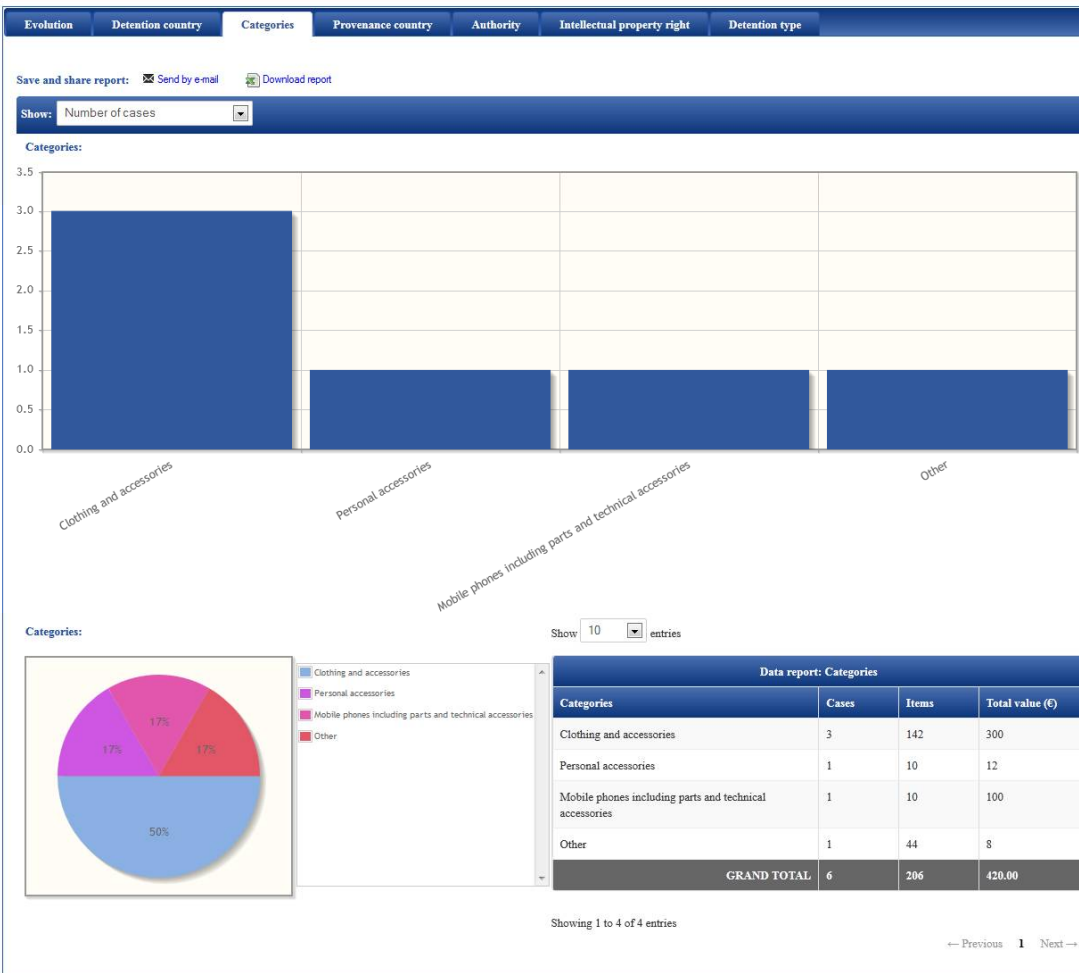
Reports

Reports

Discover all about seizures

Filter seizures:

Detention date:	From: 02/2012 To: 02/2013	Category:	All	Country of provenance:	All
Detention country:	All	IPR Type:	All	Enforcement Authority:	MY ENFORCEMENT TWO
Detention type:	All				



Current situation

- Customs data provided by DG TAXUD
- Police data from EE, ES, IT and PT
- To be followed by other EU MS by the end of 2014
- Possible to plug-in or to send data to OHIM
- Goes public in November 2014

Advantages

- Analysis of performance and trends at EU and national level performed by OHIM;
- Harmonisation of data collection because of data input;
- Country comparison in order to identify best practices;
- Other comparisons: Number of cases / Number of items (e.g. used to assess small consignments as a new trend);
- Different types of reports can be generated (evolution, per country, categories...)