

Emerging trends in counterfeit: the EU perspective

假冒行为新趋势：欧盟视角

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EUIPO 欧盟知识产权局

WHO WE ARE 关于我们

EUIPO: Alicante, Spain since 1994 (OHIM)

欧盟知识产权局: 阿利坎特, 西班牙 (始于1994年) (欧盟内部市场协调局)



WHO WE ARE 关于我们

The European Observatory on Infringements of Intellectual Property Rights
欧洲知识产权侵权观察组织

The Observatory's core activities are:

- Raising public awareness.
 - Delivering specialised enforcement training.
 - Developing systems to gather, analyse, report and exchange key information on the scope and scale of and trends in counterfeiting and piracy in the European Union (EU).
 - Providing evidence-based data to enable EU policymakers to shape effective IP enforcement policies and to support innovation and creativity.
- 核心工作：提升人民群众意识，开展专业执法培训，开发相关系统（对假冒盗版范围、规模、趋势关键信息进行采集、分析、报告、交换），为欧盟制定知识产权执法政策提供询证依据，支持创造创新。
- Providing tools to support enforcement 提供工具，支援执法



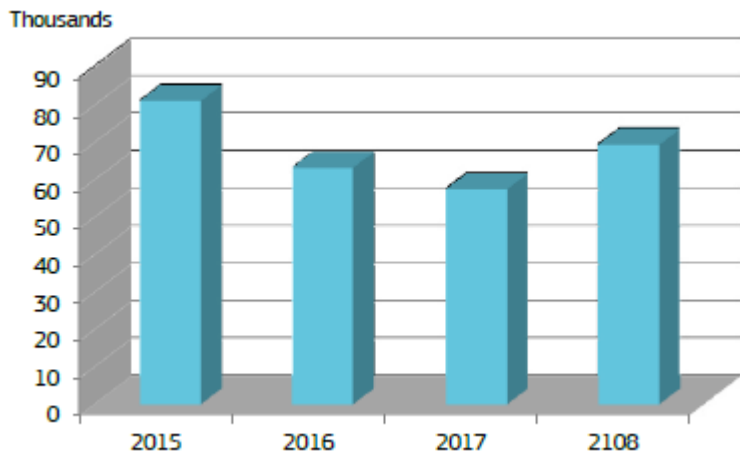
OVERVIEW 概述

- IP crime and associated crimes are evolving continuously
- 知识产权犯罪与其关联犯罪持续演变
- IP crime follows complex routes in order to avoid enforcement
- 知识产权犯罪采取复杂路径规避执法
- Transit points are extensively abused 中转点遭广泛滥用
 - falsification or replacement of documents to hide the provenance
 - 通过伪造或替换文件，隐藏原产地
 - re-packaging or re-labelling
 - 重新包装或重贴标签
 - establishing or organising distribution
 - 建立分销网络或组织分销

TRENDS 趋势

Trends in Customs seizures at the EU borders (2018) 欧盟边境海关截获趋势 (2018年)

Number of registered cases 登记案件数



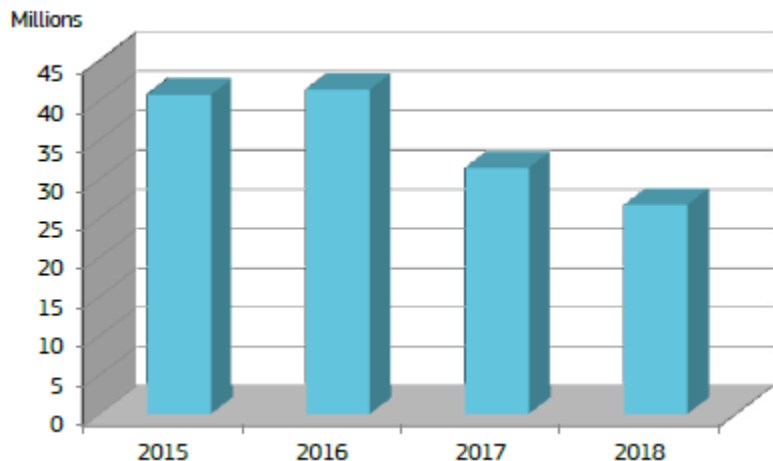
Year	Number of cases
2015	81 098
2016	63 184
2017	57 433
2018	69 354

Source: European Commission (DG TAXUD), 2019
来源: 欧委会 (税务与海关同盟总司) 2019

TRENDS 趋势

Trends in Customs seizures at the EU borders (2018) 欧盟边境海关截获趋势 (2018年)

Number of detained articles 扣押货物数



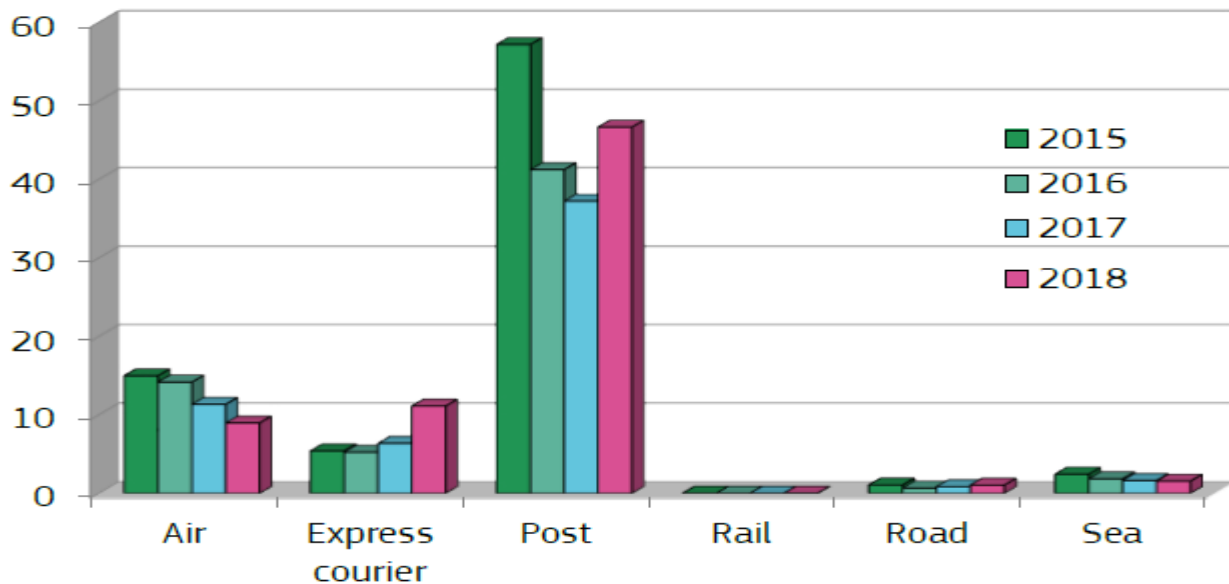
Year	Number of articles
2015	40 728 675
2016	41 387 132
2017	31 410 703
2018	26 720 827

Source: European Commission (DG TAXUD), 2019
来源: 欧委会 (税务与海关同盟总司) 2019

TRENDS 趋势

Trends in Customs seizures at the EU borders (2018) 欧盟边境海关截获趋势 (2018年)

Registered cases by means of transport 登记案件的运输方式分布
Thousands



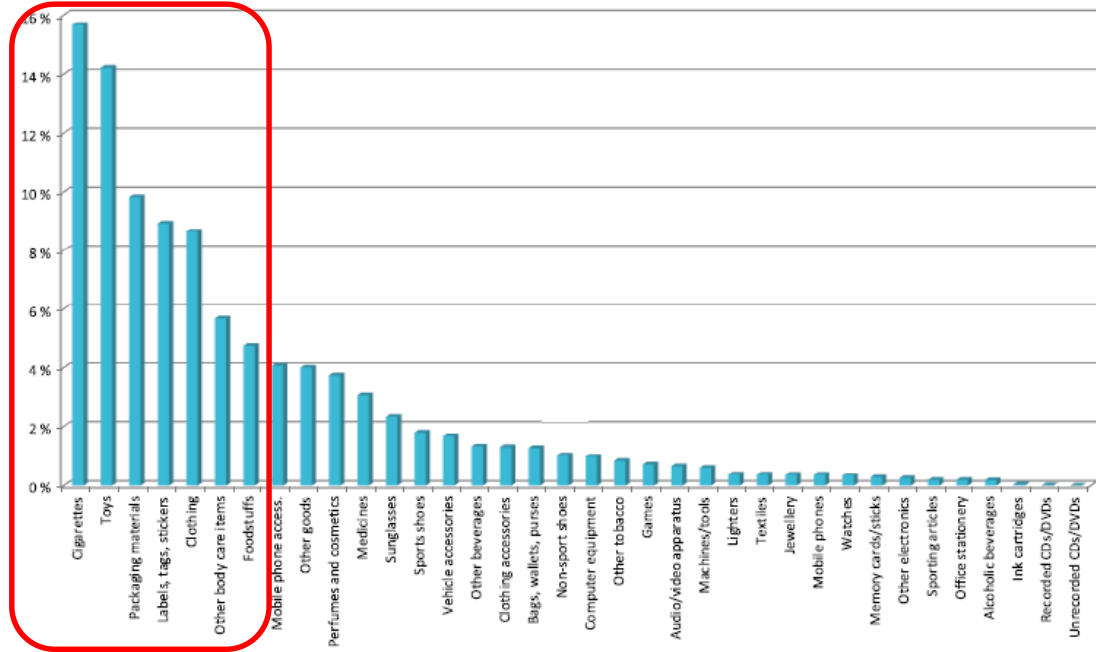
TRENDS 趋势

Trends in Customs seizures at the EU borders (2018)

欧盟边境海关截获趋势 (2018年)

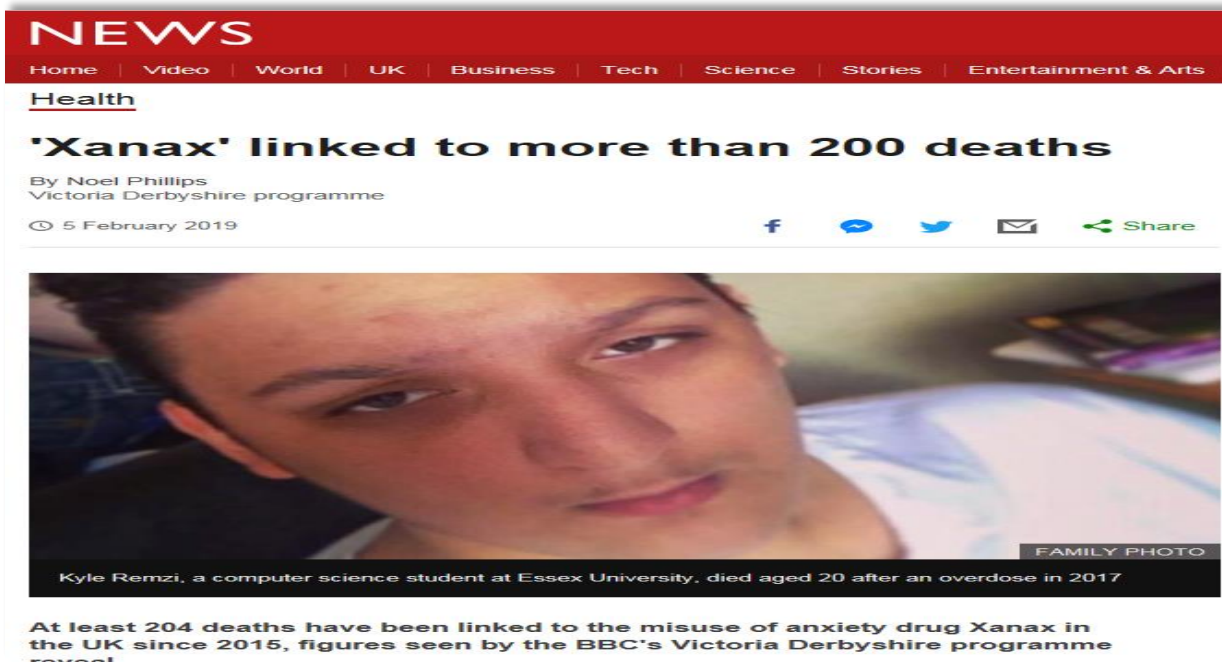
Most seized product categories (by articles) 没收件数最多的品类

- Cigarettes 烟草
- Toys 玩具
- labels and packaging 标签与包装
- Clothes 服装
- other body care 其他护肤品
- Foodstuff 食料



EMERGING THREATS 新型威胁

Fake products are likely to be dangerous 假冒商品很可能具有危险性



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Health

'Xanax' linked to more than 200 deaths

By Noel Phillips
Victoria Derbyshire programme

🕒 5 February 2019

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FAMILY PHOTO

Kyle Remzi, a computer science student at Essex University, died aged 20 after an overdose in 2017

At least 204 deaths have been linked to the misuse of anxiety drug Xanax in the UK since 2015, figures seen by the BBC's Victoria Derbyshire programme

...but we have little evidence ...但是我们证据不足

EMERGING THREATS 新型威胁

Counterfeit and dangerous goods – Risk categories identified

假冒与危险品：已识别的风险类别

EUIPO's survey 欧盟知识产权局的调查
 Period covered: 2010-2017 调查期：2010 ~ 2017
 191 cases reported 报告案例数：191

Chemical	72	32.0%
Strangulation	39	17.3%
Injuries	36	16.0%
Choking	26	11.6%
Electric shock	15	6.7%
Damage to hearing	9	4.0%
Fire	9	4.0%
Burns	6	2.7%
Microbiological	5	2.2%
Drowning	5	2.2%
Health risk / other	2	0.9%
Suffocation	1	0.4%

化学
 绞扼
 损伤
 阻塞
 电击
 听力
 火灾
 烧伤
 微生物
 溺亡
 健康
 窒息

EMERGING THREATS 新型威胁

Labels/packaging 标签/包装

- Trade of counterfeit packaging is the sign of:
- 交易假冒包装或许可以表明：
 - **the existence of domestic productions 存在境内生产**
 - **the existence of organised structures with delocalised activities 存在进行非本地犯罪活动的有组织造假网络**
- It is horizontal: affecting all categories of product
- 横向影响所有产品类别
- *Various modi operandi*
- 作案手法层出不穷

EMERGING THREATS 新型威胁

Clothing and accessories 服饰

- Always on top list per quantities seized: **clothing and shoes** mainly
- 查获数量始终排名前列：主要是**服装、鞋履类**
- Hi value seizures: luxury goods like **watches**
- 高价值查获：奢侈品，**如腕表**
- Mostly ordered on-line and shipped separately via small consignments
- 多数网上下单，通过小件快递单独运输

EMERGING THREATS 新型威胁

Vehicle parts 汽车配件

- Wide range of car and vehicle parts counterfeited: 假冒各种汽车配件:
 - airbags, alloy rims, brakes pads, fuel pumps, master cylinders, radiators etc.
 - 气囊、合金轮毂、刹车片、燃油泵、主气缸、散热器等
- Emerging threat is oil, fuel, pollen and air **filters**:
- 新型威胁蔓延至汽油、燃料、花粉/空气**过滤器**:
 - very profitable market 暴利行业
 - large offer on-line 大量在网上销售
 - shipped in small parcel by post or express courier
 - 通过邮政或快递小包裹运输

EMERGING THREATS 新型威胁

Electronics 电子产品

- Increasing: **mobile phones and accessories (chargers mainly)** and **computers and accessories**
- 数量增加: **手机及配件 (主要是充电器)、电脑及配件**
- More in maritime container traffic **集装箱海运数量增加**
- Increase in **semiconductors** mostly from Hong Kong and China:
- **半导体产品**数量增加, 多数来自中国大陆与香港
 - usually via postal services and express couriers (very small objects)
 - 一般采用邮政和快递运输 (产品体积很小)
 - many cases of EU transit for the USA
 - 许多案件是经欧盟中转至美国
 - high safety risk
 - 安全隐患大

EMERGING THREATS 新型威胁

Food and drinks 食品饮料

- 25% of all seized items in the EU Customs in 2017, 5% in 2018
- 2017年，占欧盟海关截获物品总量的25%；2018年，占5%
- Not only high-quality food 影响不仅限于商品本身
 - **frequently seized in grocery stores: high infiltration of the legal supply chain**
 - **还经常在商超内查获：深入渗透到合法供应链环节**
- Some EU countries are frequently producing economies for export, including to China
- 在部分欧盟国家，也常有用于**外销**的假冒商品的生产，**出口目的地包括中国**

EMERGING THREATS 新型威胁

Pharmaceuticals 药品

- Increasing use of illegal **e-pharmacies** and **social media**
- 越来越多地使用非法**网上药店与社交媒体**
- Most counterfeited **假冒最多的药品**
 - erectile dysfunction medicines (e.g., Viagra) **勃起功能障碍药** (如, 伟哥)
 - performance enhancing drugs: anabolic steroid and doping substances **机能增强剂: 促蛋白合成激素、兴奋剂**
 - Hypnotic **安眠药**
 - slimming pills **减肥药**
 - HIV related medicines **抗HIV病毒制剂**
- Biggest producers: India (and Turkey for hormonal substances)
- **最大的假药生产国: 印度 (土耳其主要生产激素类物质)**

EMERGING THREATS 新型威胁

Tobacco products 烟草制品

- Growing domestic production in the EU 欧盟境内的生产日益增加
- Organised Criminal Groups are very active in this sector 有组织犯罪团伙活跃于这一行业
- *Modus operandi* 作案手法
 - import/export of raw tobacco with x-ray controls easily circumvented
 - 进出口易于逃避X光检测的烟草原料
 - tobacco leaves purchased on-line including on social media
 - 通过包括社交媒体在内的网上渠道购买烟叶



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Thank you