

# IP enforcement: operations, cooperation and coordination

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Siegmar REISS  
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# Visit of Chinese Ministry of Public Security IP enforcement: operations, cooperation and coordination

## Overview

**Legal frame: Customs / Police**

**Cooperation and coordination:**

**Key players: Europol and OLAF (European Anti-Fraud Office), also Eurojust**

**Operations (Joint Customs/Police Operations)**

# Visit of Chinese Ministry of Public Security

## IP enforcement: operations, cooperation and coordination

(Legal) frame, generalised:

*	Customs	Police
Legislation	European	National
Level	Administrative	Penal
Competence	National	National/Regional
Organisation	Ministry of Finance	Ministry of Interior
Focus	Goods (mainly)	Persons (mainly)
Aera	Border	Internal Market
Co-ordination	OLAF / Europol	Europol

\* with exceptions

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## Cooperation and coordination within customs

On national level : national headquarters

On EU-level:



- Technically through Anti-Fraud Information System (AFIS)
- Customs Mutual Assistance Regulation (Reg. 515/1997)  
Reg. 608/2013 on Customs Enforcement of Intellectual Property Rights

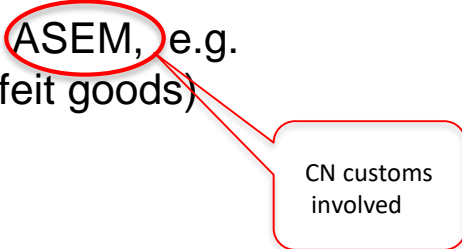
## Visit of Chinese Ministry of Public Security IP enforcement: operations, cooperation and coordination

### OLAF's role in the customs domain

Coordinating **customs mutual assistance** (investigations and information exchange on infringements of customs legislation) **and carrying out investigations** within the European Union

Coordinating **Joint Customs Operations**, also in the frame of **ASEM**, e.g.

- JCOs DIABOLO I+II 2007 + 2010 (cigarettes and counterfeit goods)
- JCO REPLICA 2014 (counterfeit goods)
- JCO RENEGADE 2017 (counterfeit goods)
- JCO HYGIA (counterfeit Fast Moving Consumer Goods)



CN customs  
involved

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## OLAF's role in the customs domain

Coordinating **customs mutual assistance** with countries outside the EU based on Customs Mutual Assistance Agreements (~80 countries)

Carrying out **investigations within the European Union** and, based on Customs Mutual Assistance Agreements, **also in countries outside the EU**

Coordinating **Joint Customs Operations**, also in the frame of ASEM, e.g.

- JCOs DIABOLO I+II 2007 + 2010 (cigarettes and counterfeit goods)
- JCO REPLICA 2014 (counterfeit goods)
- JCO RENEGADE 2017 (counterfeit goods)
- JCO HYGIA (counterfeit Fast Moving Consumer Goods)

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OLAF's role in the customs domain

## **Reg. 515/1997 = Customs mutual (administrative) assistance**

Assistance on Request

Spontaneous Assistance

Relations with the Commission (Commission = OLAF)

Relations with Third Countries

Customs Information System

Customs Files Identification Database

Financing

## **Reg. 608/2013 concerning customs enforcement of intellectual property rights**

Art. 36: The provisions of Regulation (EC) No 515/97 shall apply mutatis mutandis

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## IP enforcement: operations, cooperation and coordination

**EU Customs Mutual  
Assistance Agreements**



European Commission

**EUROPEAN ANTI-FRAUD OFFICE**

Albania	Costa Rica	Israel	Morocco	Serbia
Algeria	Côte d'Ivoire	Jamaica	Mozambique	Seychelles
Andorra	Dominica	Japan	Namibia	South Africa
Antigua and Barbuda	Dominican Republic	Jordan	New Zealand	South Korea
Armenia	Egypt	Kazakhstan	Nicaragua	Suriname
Azerbaijan	Faroe Islands	Kosovo	Norway (EEA)	Swaziland
Bahamas	Fiji	Kyrgyzstan	Palestinian Authority	Switzerland
Barbados	Georgia	Lebanon	Panama	Tajikistan
Belize	Ghana	Lesotho	Papua New Guinea	Trinidad and Tobago
Bosnia-Herzegovina	Grenada	Liechtenstein (EEA)	Peru	Tunisia
Botswana	Guatemala	The Republic of North Macedonia	Russian Federation	Turkey
Cameroon	Guyana	Madagascar	St. Christopher and Nevis	Turkmenistan
Canada	Honduras	Mauritius	St Lucia	Ukraine
Chile	Hong Kong	Mexico	St Vincent and Grenadines	United States of America
<b>China</b>	Iceland (EEA)	Moldova	El Salvador	Uzbekistan
Colombia	India	Montenegro	San Marino	Zimbabwe



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European Commission  
EUROPEAN ANTI-FRAUD OFFICE

## Operations, cooperation and coordination

### Some Results

Operation HYGIEA: OLAF, Asian & EU customs lead large-scale operation against counterfeit goods

09/10/2019

PRESS RELEASE No 10/2019

 [PDF version](#) (379.65 KB)

**Operation HYGIEA:** Approximately 200,000 pieces of counterfeit perfumes, toothpastes, cosmetics, 120 tons of counterfeit detergents, shampoos, diapers as well as more than 4.2 million of other counterfeit goods (battery cells, footwear, toys, tennis balls, shavers, electronic devices, etc.), 77 million cigarettes and 44 tons of counterfeit water pipe tobacco have been seized by the Asian and EU customs authorities in an ASEM-led operation coordinated by the European Anti-Fraud Office (OLAF)

OLAF helps seize 360 tons of illegal or counterfeit pesticides in Operation Silver Axe III

11/07/2018

PRESS RELEASE No 08/2018

 [PDF version](#) (261.55 KB)

**Operation Silver Axe III,** coordinated by Europol with support from the European Anti-Fraud Office (OLAF), led to the seizure of 360 tons of illegal or counterfeit pesticides. Numerous police, customs and plant protection authorities from 27 countries participated in the Operation (\*).

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## Cooperation and coordination within police

On national level : national headquarters

On EU-level:



...but also mutual legal assistance  
bilaterally, or through EUROJUST

- Technically through SIENA
- Europol = Intelligence hub
- Europol coordinates Joint Police and Customs Operations
- Europol has no investigation powers

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## Cooperation and coordination within police

### Intellectual Property Crime Coordinated Coalition - IPC3

Operational and technical support to law-enforcement agencies


- Coordination;
- Intelligence;
- facilitating and coordinating cross-border investigations;
- monitoring and reporting online crime trends and emerging modi operandi;
- raising public awareness of IP crime;
- providing training to law enforcement in how to combat it.

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## Cooperation and coordination within police

### Strategic and Operational Agreements and Working Arrangements

 **China**

Agreement on Strategic Co-operation between the European Police Office and the Ministry of Public Security of the People's Republic of China

Signature date: 19 April 2017

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## Legal tools



The screenshot shows the 'Request for judicial assistance' page on the European Justice website. The page features a navigation menu on the left with categories like Law, Case law, Judicial systems, Legal professions and justice networks, European Judicial Network in civil and commercial matters, Going to court, Legal aid, Mediation, Succession, Victims of crime, Rights of defendants in criminal proceedings, Tools for courts and practitioners, and Registers. The main content area is titled 'Request for judicial assistance' and contains the following text:

**A judge or prosecutor of one EU country can request judicial assistance from their counterpart in another EU country.**

**Mutual legal assistance**

The first European instrument to regulate such requests was the [1959 Council of Europe Convention](#) and its [1978 Protocol](#) and was followed by the [1990 Convention](#). In 2000, European Union Member States signed a [Convention on Mutual Assistance in Criminal Matters](#) to supplement and facilitate the application of those conventions. The 2000 Convention was reinforced in 2001 by a Protocol which focuses on mutual legal assistance concerning information on bank accounts or banking transactions.

Under the 2000 Convention, mutual assistance is given in connection with:

- criminal proceedings,
- proceedings brought by the administrative authorities when the decision may give rise to proceedings before a court having jurisdiction in criminal matters,
- proceedings relating to offences or infringements for which a legal person (a company or body, not a "person") may be held liable in the requesting Member State.

Cooperation may be through spontaneous exchange of information or following a Member State request. The general rule is that requests should be made directly between judicial authorities with territorial competence for initiating and executing them and should return through the same channels. The requested Member State has to comply with the formalities and procedures expressly indicated by the requesting Member State. To facilitate closer cooperation between law enforcement authorities, judicial authorities and other competent authorities, the 2000 Convention provides for technology-based tools such as video-conferencing, teleconferencing and interception of telecommunications.

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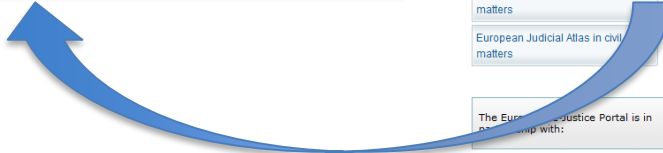
Legal tools  
(for all matters)

**Cooperation in criminal matters**


- European Arrest Warrant
- Request for judicial assistance
  - » Evidence
  - » Freezing of assets and evidence
  - » Confiscation
  - » Criminal records
- Pre- and post-trial measures
- Mutual recognition of protection measures
- Mutual recognition of financial penalties
- Jurisdiction
- European Judicial Atlas in criminal matters




The screenshot shows the European e-Justice Portal website. At the top, there is a navigation bar with the EU flag, the text 'EUROPEAN JUSTICE', and a search bar. Below the navigation bar is a sidebar with various menu items such as 'Home', 'Law', 'Case law', 'Judicial systems', 'Legal professions and justice networks', 'European Judicial Network in civil and commercial matters', 'Going to court', 'Legal aid', 'Mediation', 'Succession', 'Victims of crime', 'Rights of defendants in criminal proceedings', 'Tools for courts and practitioners', 'Registers', 'Find a...', 'Glossaries and terminology', 'European judicial training', 'Dynamic forms', 'Access to justice in environmental matters', and 'European Judicial Atlas in civil matters'. The main content area features a header with the text 'The European e-Justice Portal is conceived as a future electronic one-stop-shop in the area of justice.' and a search bar. Below this, there are several sections: 'Guidelines and information on how to proceed with requests for judicial assistance', 'Tools for courts and practitioners' (with sub-sections for 'General information', 'Cooperation in civil matters', and 'Cooperation in criminal matters'), and 'European Arrest Warrant'. A blue box highlights the 'Request for judicial assistance' section, which includes links to 'Evidence', 'Freezing of assets and evidence', 'Confiscation', and 'Criminal records'. At the bottom of the page, there are logos for various organizations, including the CCBE, the Notaries of Europe, the Law Society of Scotland, and the WSC MAI-AA WCA6 2.0.




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EUROPEAN  
-JUSTICE



» Advanced search

Home > ... > Cooperation in criminal matters > Request for judicial assistance Recent updates | Login

## Mutual recognition

Since 2001, Member States have also been cooperating increasingly through instruments applying the principle of mutual recognition. Mutual recognition means that the judicial authorities (courts, judges, prosecutors) of one Member State will recognise decisions of judicial authorities in another Member State as being equivalent to those taken in its own Member State. More information on these instruments is to be found in the following subpages:

- the [European Evidence Warrant](#),
  - [freezing of assets and evidence](#),
  - [confiscation orders](#),
  - exchange of information on [convictions/criminal records](#).
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## Eurojust



The primary mandate of Eurojust is to facilitate the international cooperation of the national judicial authorities to help combatting serious cross-border organised crime.

According to the Eurojust Regulation National Members are entitled to receive all information that is necessary to successfully conclude this mission, but anything more than that is shared on a case-by-case basis.



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## Eurojust



EUROJUST

European Union Agency for Criminal Justice Cooperation

- Facilitating the exchange of European Investigation Orders (inside EU)
- Mutual Legal Assistance Requests (outside EU + UK + DK)
- Facilitating the execution of European Arrest Warrants
- Coordinating the national investigations
- **Setting up and supporting Joint Investigation Teams**

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## IP enforcement: operations, cooperation and coordination



The European Observatory on  
Infringements of Intellectual Property Rights

### **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.

# Visit of Chinese Ministry of Public Security IP enforcement: operations, cooperation and coordination



The European Observatory on  
Infringements of Intellectual Property Rights

- Trainings, seminars
- Forum for enforcers **and** right holders
- Knowledge building events



[www.euipo.europa.eu](http://www.euipo.europa.eu)



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@EU\_IPO



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EUIPO

Thank you

# Visit of Chinese Ministry of Public Security



## Investigative functions, cooperation and coordination

### Summary

Investigative body of the EU Commission

Independent in its investigative function

Focus on:

- financial interests of the EU (expenditures & revenue)
- anti-corruption within EU staff and Members of the Institutions

Common goal with EUIPO:

- the fight against counterfeit goods

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European Commission  
EUROPEAN ANTI-FRAUD OFFICE

## Insights, cooperation and coordination

### Some Results

#### Bursting the fraud bubble: OLAF plays central role in 400 tons seizure of fake shampoo

18/02/2019

PRESS RELEASE No 01/2019

 [PDF version](#) (197.8 KB)

**OLAF was at the centre of an international operation to stop illicit trade of counterfeit shampoo. The shampoo - produced illegally in China - was seized in Colombia and Mexico at the beginning of February 2019. OLAF closely monitored the shipment, from dispatch in China to Latin America, to prevent risks of it entering the EU market. Search and seize operations, on 31 January and 8 February, found more than 400 tons of the counterfeit haircare product - worth up to €5 million.**

#### Major seizure of counterfeit steel pipes in the United Arab Emirates following joint inspection by Dubai Customs and OLAF

12/07/2018

PRESS RELEASE No 09/2018

 [PDF version](#) (348.56 KB)

**Based on information submitted by the European Anti-Fraud Office ("OLAF") and the French seamless steel pipe manufacturer, Vallourec, Dubai Customs seized four containers with counterfeit steel pipes in the Jebel Ali port in the United Arab Emirates. The pipes were initially intended for use in a large gas processing plant in India. The shipment was unloaded in Mundra (India), but the end-user had doubts about the authenticity of the accompanying certificates. Through coordinated action of the right-holder and OLAF, the containers were geo-localised and tracked on their way back to Dubai to avoid any fraudulent transshipment or diversion en route.**

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## IP enforcement: operations, cooperation and coordination



### Cooperation and coordination within police

#### Operational Agreements:

<b>Countries</b>		<b>Scope</b>
Albania	Iceland	<i>...exchange of specialist knowledge, strategic intelligence, general situation reports, information on investigative procedures, information on crime prevention methods, participation in training activities as well as providing advice and support in individual investigations.</i>
Australia	Liechtenstein	
Bosnia and Herzegovina	Moldova	
Canada	Monaco	
Colombia	Montenegro	
Georgia	North Macedonia	