Enforcement cooperation on IPR in the EU: data exchange and joint operations

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1 – THE ACTORS IN THE EU

- CUSTOMS

European Commission

making rules, providing tools, cooperating with third countries

European Commission

OLAF

EUROPEAN ANTI-FRAUD OFFICE

coordinating mutual assistance and investigations
• CUSTOMS

the 28 Customs of the EU

the «Customs Cooperation Working Party»:
operational cooperation among national
customs to increase enforcement capabilities
the police forces of the 28 EU Member states

• POLICE

the EU’s law enforcement agency,
fighting serious and organised crimes

• MARKET SURVEILLANCE AUTHORITIES

all supported by the EUIPO’s
Observatory on infringements of IPRs
2 – DATA EXCHANGE FOR ENFORCEMENT

• COPIS
  - product information authentic/infringing
  - supply chain authentic/infringing
  - contact details
  - seizures

• EDB
  - interfaced with COPIS
  - IPR official information
  - product information authentic/infringing
  - supply chain authentic/infringing
  - contact details
  - ALERTS (+web infringements)
OLAF’S AFIS PORTAL

- secure webmail
- Customs Information System (CIS): suspicious cases and seizures
- platform for single operations
- Container Status Messages repository (CSM)

EC’S RISK INFORMATION FORM

- for sharing alerts on risks, threats, new trends and *modus operandi*
- for frontline officers, to be treated immediately and reported (legal obligation in the UCC)

for general customs enforcement
3 – JOINT OPERATIONS AGAINST COUNTERFEITING

• Encouraging cooperation between LEAs and testing effectiveness of analysis and actions
• The Customs have identified a “model” for JCOs, usually supported by OLAF:

  • Preparatory phase:
    o threat assessment and business case approved
    o Operational Plan:
      ● scope of the operation: products, scenarios/customs procedures, objectives, leader MS, participants and NCPs
      ● one single communication system for the operation
      ● time schedule
      ● if necessary, set up of a Virtual and/or Physical Operation Coordination Unit (V/P-OCU)
• Encouraging cooperation between LEAs and testing effectiveness of analysis and actions
• The Customs have identified a “model” for JCOs, usually supported by OLAF:
  • **Pre-operational phase:**
    o testing communication
    o sharing list of information for risk analysis and targeting
      - risk indicators
      - routes
      - adversely known operators
      - suspicious and previous cases
• Encouraging cooperation between LEAs and testing effectiveness of analysis and actions
• The Customs have identified a “model” for JCOs, usually supported by OLAF:
  • **Operational phase:**
    o when with OLAF, a P-OCU could be set up at OLAF’s premises in Brussels
    o in a limited period of time: monitoring, analysis, decision and action through NCPs
    o seizures stored (“reports”) - when with OLAF, in AFIS Portal (operation’s V-OCU)
  • **Post-operational phase:**
    o all open cases are closed and all stored data is anonymised
    o results assessed
    o final report, with recommendations if needed
    o *investigations follow up*
EU MEMBER STATES and OLAF

Focusing the route of counterfeiters: China to Europe via Africa, via South America and via Malaysia and the Middle East

- **10 days operation**
- **326 containers from China examined**
- **221 “at high risk”, 60 found containing fakes**
- **26 million items seized (all kind)**

EU MEMBER STATES- OLAF-THIRD COUNTRIES (Turkey and Western Balkans)

Focusing small consignments via postal and courier mail traffic

- 634 seizures
- 70,000 items seized (all kind)

EU MEMBER STATES- OLAF-ASEM-WCO-CHINA

Focusing sea transport importation

- China participating in the VOCU with a liaison officer
- 1.2 million items seized (all kind)
- 130 million cigarettes seized
- Overall market value € 65 million

EU MEMBER STATES-OLAF-EUROPOL

Focusing semiconductors in express couriers – from China and Hong Kong

- Private sector cooperation (ESIA and major express couriers)
- More than 1 million items seized

EU MEMBER STATES-OLAF-ASEM-WCO-THIRD COUNTRIES

Focusing counterfeited auto spare parts in sea container transport

- **Private sector cooperation**
- **70 000 auto spare parts seized**
- **590 cylinders of CFC refrigerant**
- **400 000 other goods items seized**

EU MEMBER STATES

Focusing on-line illegal trade

- With contribution of the Observatory in the preparatory phase
- Overall 3,093 items seized
- 1,267 counterfeited items seized
EUROPOL

Focusing on counterfeited pesticides

- Production and re-packaging facilities in Europe and third countries (Australia, Serbia, Switzerland, Ukraine and Moldova)
- Private sectors collaboration
- 360 tonnes of illegal pesticides seized in Europe

EUROPOL

Focusing online piracy

- **World wide action**, with US NATIONAL IPR COORDINATION CENTRE, EU MEMBER STATES, INTERPOL and brand owners
- **20,520 domain names seized**

THANK YOU

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