

Prevention of Counterfeits through Non-legislative Tools

通过非立法工具防止假冒品

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What are the tools?

何为工具？

- Promote the value of brands
提升品牌价值
- Reinforce consumer trust
加强消费者信任
- Embrace innovation and change
勇于创新 and 变革

INTA Mission Statement

INTA服务宗旨

INTA is a global association of trademark owners and professionals dedicated to supporting trademarks and related intellectual property to foster consumer confidence, economic growth and innovation.

INTA是全球商标所有者和专业人士协会，致力于支持商标和相关知识产权，以促进消费者信心、经济增长和创新。

INTA's Global Presence

INTA的全球分布



INTA Membership

INTA成员

7,246 total members
共有7,246名成员

Represents 31,000+
professionals—corporate,
associate, government,
emeritus, academics

内有31,000多名专业人士——公司、
联营企业、政府、名誉教授、学者

2018–2021 Strategic Plan

2018-2021年战略规划

1

Promote the Value of
Trademarks and Brands

提升商标和品牌的价值

2

Reinforce Consumer Trust

加强消费者信任

3

Embrace Innovation and Change

勇于创新 and 变革

2018–2021 Strategic Plan

2018-2021年战略规划

1 Promote the Value of Trademarks and Brands 提升商标和品牌的价值

Protection of trademarks and related IP 商标和相关知识产权保护

Harmonization of laws and convergence of practices 法律协调
和实践融合

Enforcement 执法

Business value of brands 品牌的商业价值

2018–2021 Strategic Plan

2018-2021年战略规划

2

Reinforce Consumer Trust 加强消费者信任

- Reinforce trademarks as sources of information and brands as promises of delivery 加强商标作为信息来源和品牌作为交付承诺的作用
- Communicate the contribution of brands to economies and society 传达品牌对经济和社会的贡献
- Build bridges with consumer organizations, other associations, and academia to be part of the brand equity conversation 与消费者组织、其他协会和学术界建立联系，成为品牌价值对话的一部分

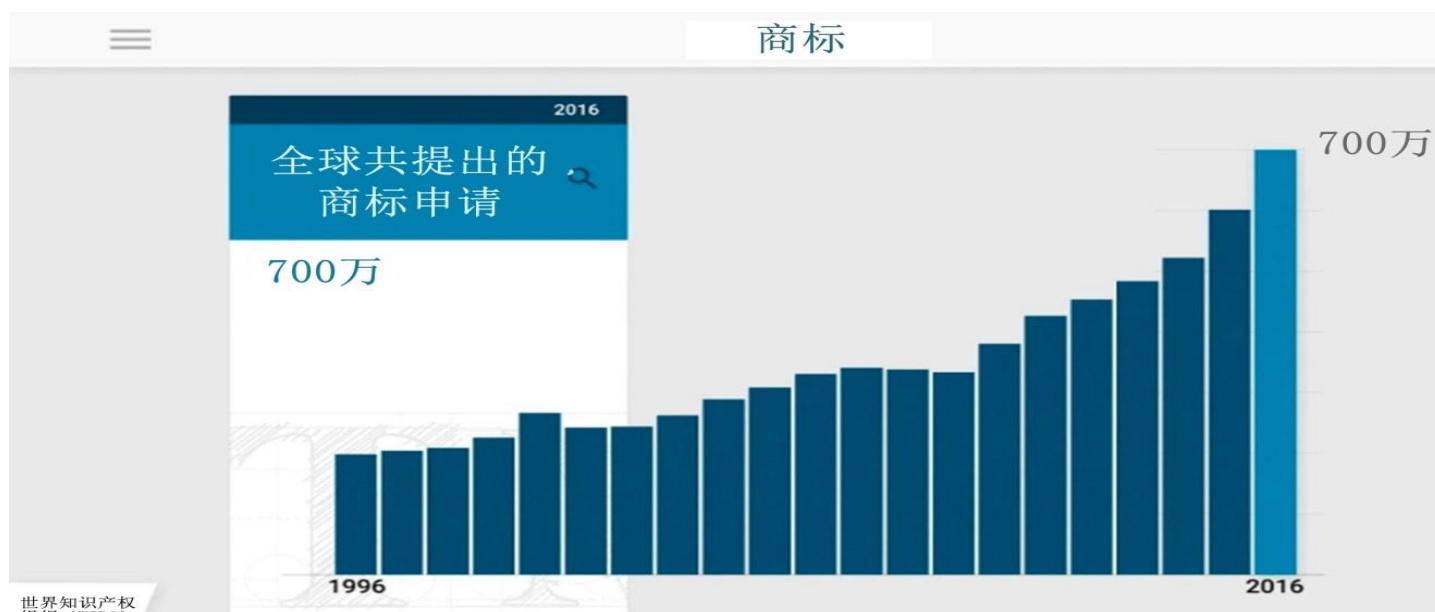
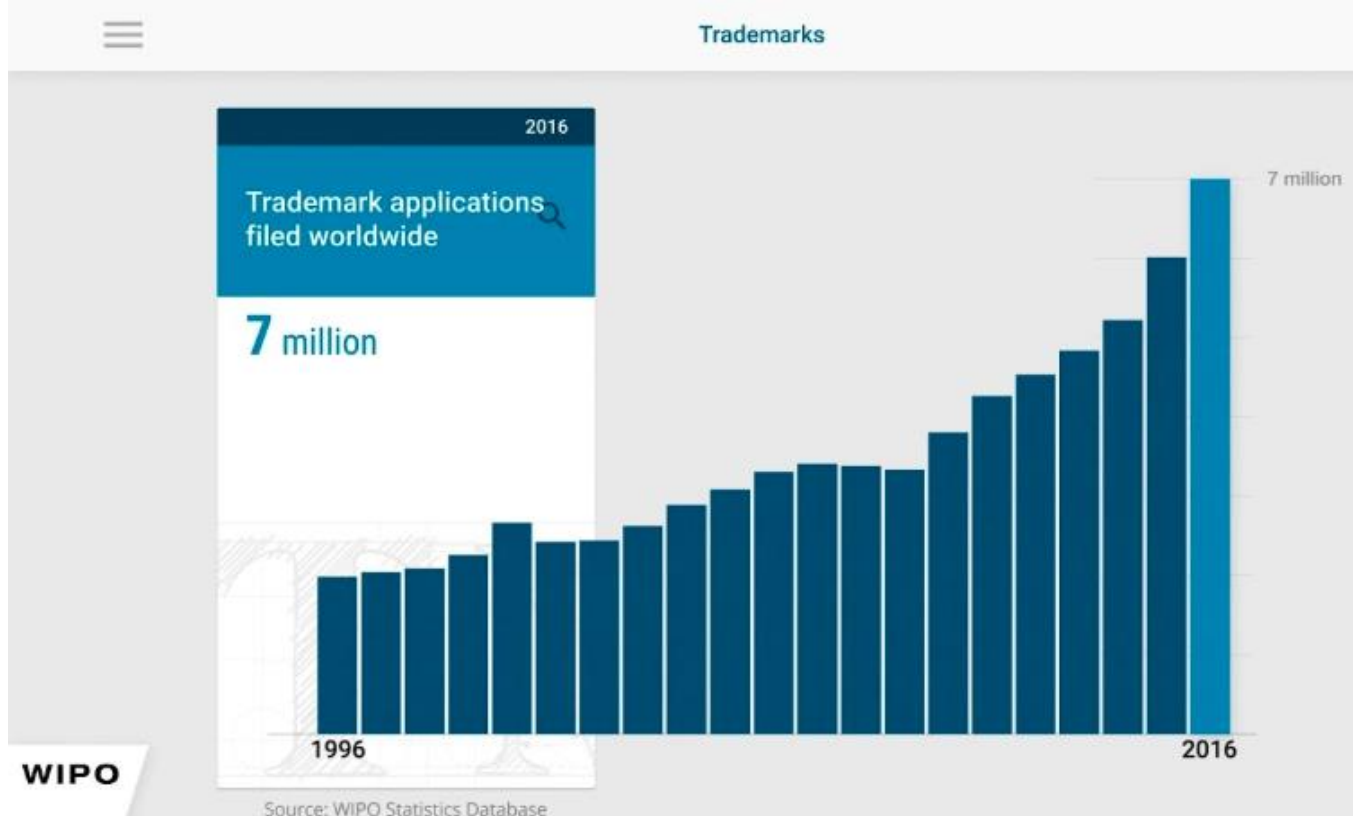
2018–2021 Strategic Plan

2018-2021年战略规划

3 Embrace Innovation and Change 勇于创新 and 变革

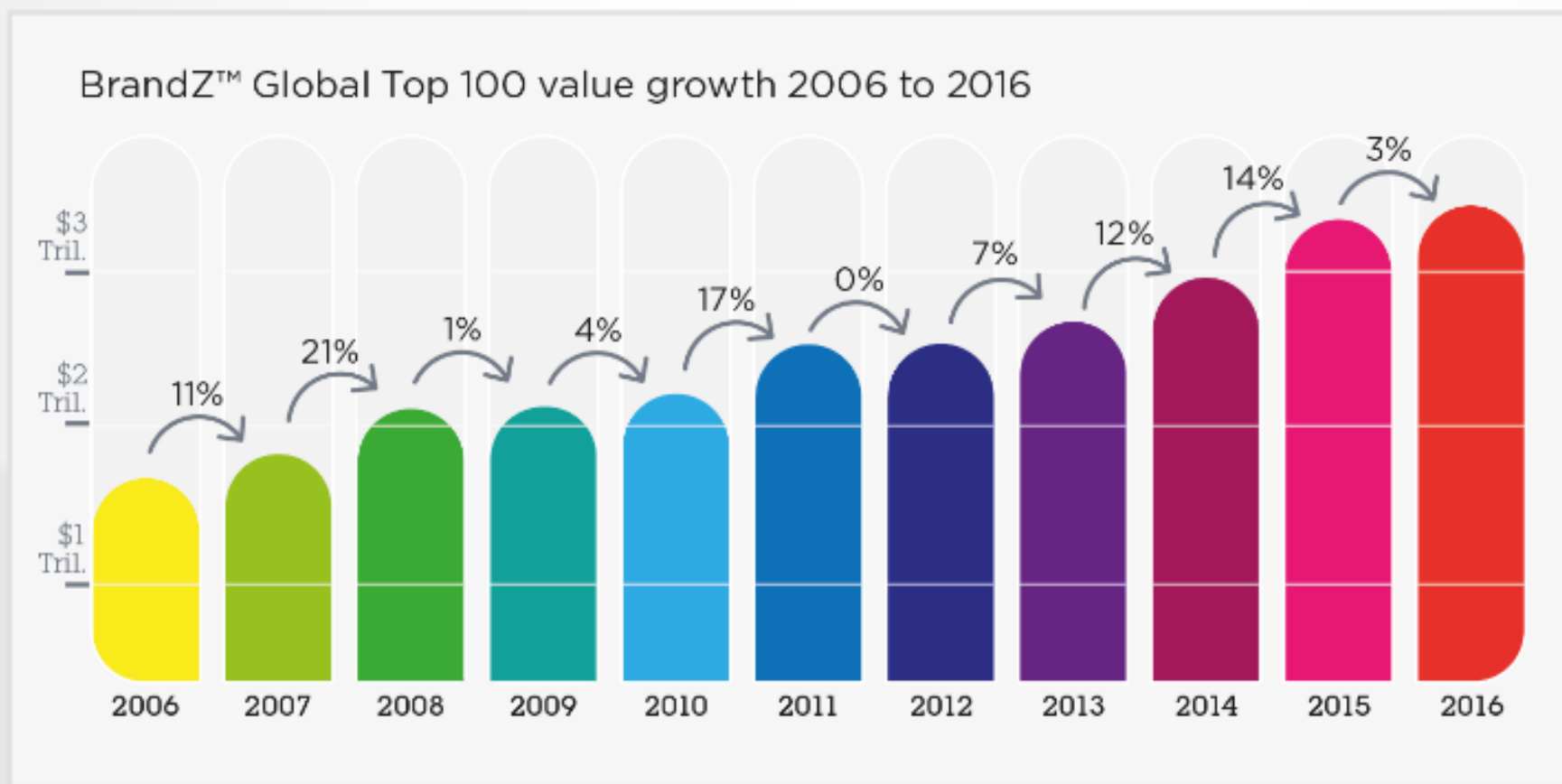
- Evaluate changes as a result of technology, innovation, and evolving consumer needs and values 评估技术、创新以及不断变化的消费者需求和价值观带来的变化
- Educate members on the impact of innovation, technology, and change on brands 对成员进行创新、技术和变化对品牌的影响方面的培训
- Provide innovative, valuable services to members 为成员提供创新、有价值的服务

Growing
Demand for
TMs
对商标的需求日益增长



Growing Value of TMs

日益增长的商标价值

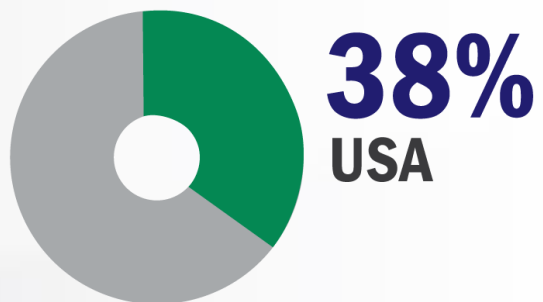


Source: BrandZ™ / Millward Brown

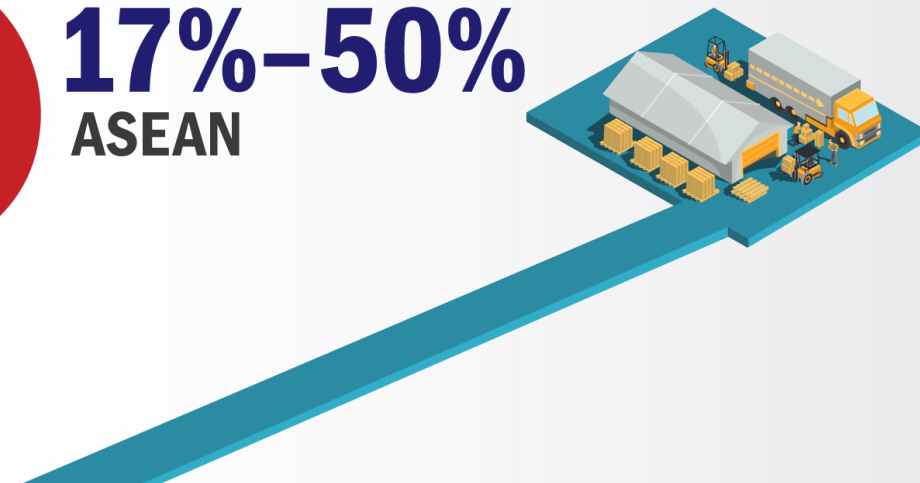
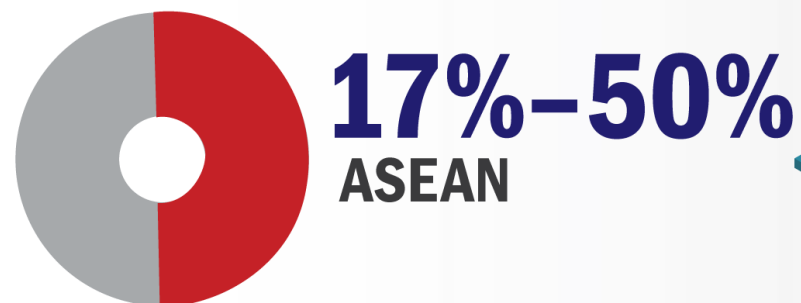
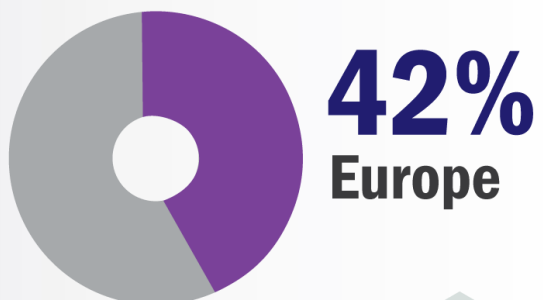
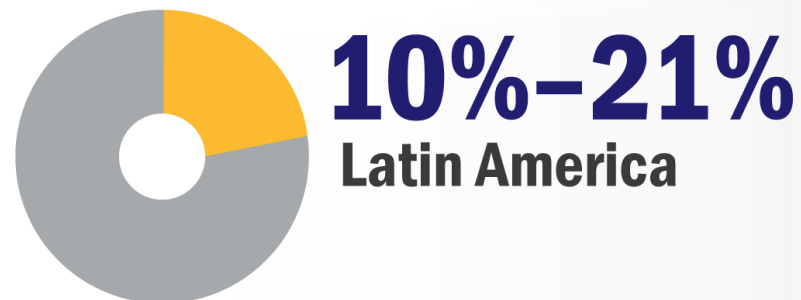
Value of IP to GDP 知识产权对GDP的价值

Gross Domestic Product:
Contribution to economic growth
on a global scale

IP-intensive industries
(includes trademark-intensive industries)



Trademark-intensive industries

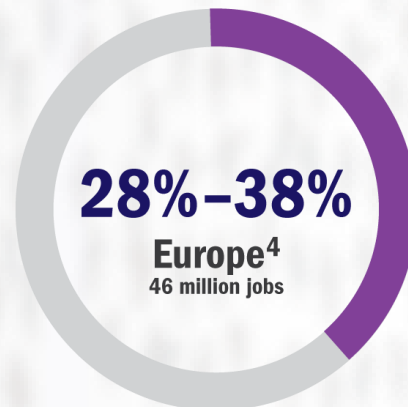


Value of IP to Job Growth

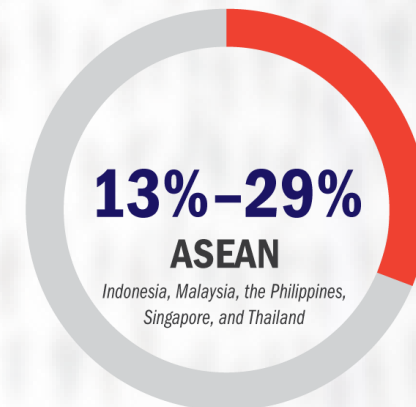
知识产权对就业增长的价值

Employment: Contribution to
job growth across sectors

IP-intensive industries
(includes trademark-intensive industries)



Trademark-intensive industries



THE ECONOMIC IMPACTS OF COUNTERFEITING AND PIRACY

2013

2022 (forecast)



**Value of counterfeit and
pirated goods.**

US \$1.13 trillion
€882.6 billion

US \$2.81 trillion
€2,194.7 billion



**Displacement of legitimate
economic activity.**

US \$597 billion
€449.6 billion

US \$1,244 billion
€936.8 billion



Wider economic and social costs.

US \$898 billion
€676.2 billion

US \$1,870 billion
€1,408.2 billion



Employment losses.

2.6 million

5.4 million

Combatting Online Counterfeiting 打击网络造假

Expansion of the Internet makes it easy for online counterfeiting to grow.

互联网的扩展使得网络造假变得更加容易。

Criminals can hide behind the **anonymity** of the Internet
犯罪分子可以通过互联网**匿名**隐藏身份

The Internet gives criminals the reach to sell to consumers globally – outside of the national limits of law enforcement
互联网使犯罪分子能够向**全球**消费者销售商品——超出了国家执法范围

Counterfeiters can **display genuine goods** on their site but ship counterfeit goods. This makes it more difficult to identify infringing activities 假冒者可以在其网站上**展示正品**，但发运的是假冒商品。这使得识别侵权活动变得更加困难

When a site is shutdown, **another site can quickly be opened**, making it a struggle for brand owners to effectively stop a counterfeiter 一个网站被关闭后，**可以很快打开另一个网站**，这使得品牌所有者很难有效地阻止造假者

Addressing the Sale of Counterfeits on the Internet

解决在互联网上销售假冒品的问题

Key Stakeholders 主要利益相关者

1. Search engines
搜索引擎
2. Online trading
platforms
线上交易平台
3. Payment service
providers

支付服务提供商

4. Trademark owners
商标所有者
5. Social media sites
社交媒体网站
6. Registrars and
registries
注册服务器和注册中心
7. Logistics companies
物流公司

“Best Practices for Addressing the Sale of Counterfeits on the Internet”

“解决在互联网上销售假冒品问题的最佳实践”

Online Anticounterfeiting 网络防伪

- Trading Platforms 交易平台
 - Strengthen and streamline procedures for taking action against recidivists 加强和简化起诉惯犯的程序
 - Employ preventative measures, e.g. filters, ID verification and customer screening 采用预防措施, 例如过滤程序、身份验证和客户筛选
 - Improve disclosure policies so TM owners and law enforcement can gain more information 改善披露政策, 以便商标所有者和执法部门能够获得更多信息
 - Add APIs to allow TM owners to conduct scanning 添加API以允许商标所有者进行扫描
 - Implement KYC 实行KYC
 - Notice and takedown with strong provisions to prevent relisting 根据有力规定发布通知并予以删除, 以防止重新登载
 - Accept copyright and design rights as basis for removal 接受版权和设计权作为删除的依据
 - Meet frequently with TM owners to share information 经常与商标所有者会面以共享信息

Online Anticounterfeiting 网络防伪

- Payment Providers 支付提供商
 - Policies against use for sale of counterfeit goods, and chargeback reason code where goods have been determined to be infringing by TM owners, law enforcement or neutral expert
如果商标所有者、执法人员或中立专家认定商品侵权，执行禁止销售假冒商品的政策和退款理由代码
 - Inform TM owners of websites using the PSP that infringe 向商标所有者通知使用侵权PSP的网站
 - Join industry and law enforcement initiatives 加入行业和执法行动
 - Provide reasonable feedback within set timeframe; should not create onerous requirements such as test purchase
在规定时间内提供合理的反馈；不应产生繁琐的要求，如测试购买
 - May allow for counter-notice可能考虑到反通知
 - If suo moto sees plain violation, PSP should terminate service 如果suo moto发现明显违规，PSP应该终止服务应把侵权者和惯犯列入黑名单
- TM Owners 商标所有者
 - Should educate other parties 应指导其他方使用
 - Actively monitor marketplace 积极监控市场
 - Provide keywords, assist other parties 提供关键词，协助其他方
 - Take reasonable measures to verify and preserve evidence of infringement 采取合理措施核实和保存侵权证据
 - Should identify alleged infringement, information about location, proof of ownership, authenticated statement of good-faith complaint 应识别涉嫌侵权行为、有关所在地的信息、所有权证明、经过认证的诚信投诉声明

Online Anticounterfeiting 网络防伪

- Social Media
 - Include IPR infringement in ToS
 - Clear policy against sale of counterfeit products, and clear timelines for action
 - Educate users
 - More collaboration with TM owners
- Registrars and Registries
 - Adopt IPR enforcement in ToS and other contracts
 - Enforce those contracts
 - Disclose information where possible
 - Establish policies to identify infringers and bar recidivists
 - Use technology such as APIs to allow brands to scan and retrieve listings and help in monitoring
- Logistics Companies
 - Procure comprehensive identity and contact information
 - Procedure to share information with law enforcement and TM owners where possible
 - Blacklist consignees/consignors involved in counterfeiting
 - Random checking for authenticity
 - Keep list of TM Owners contact (e.g. Recordal System)
 - Cooperate with TM owners through training
 - Consignors should mention brands or TMs on package or invoice for branded goods



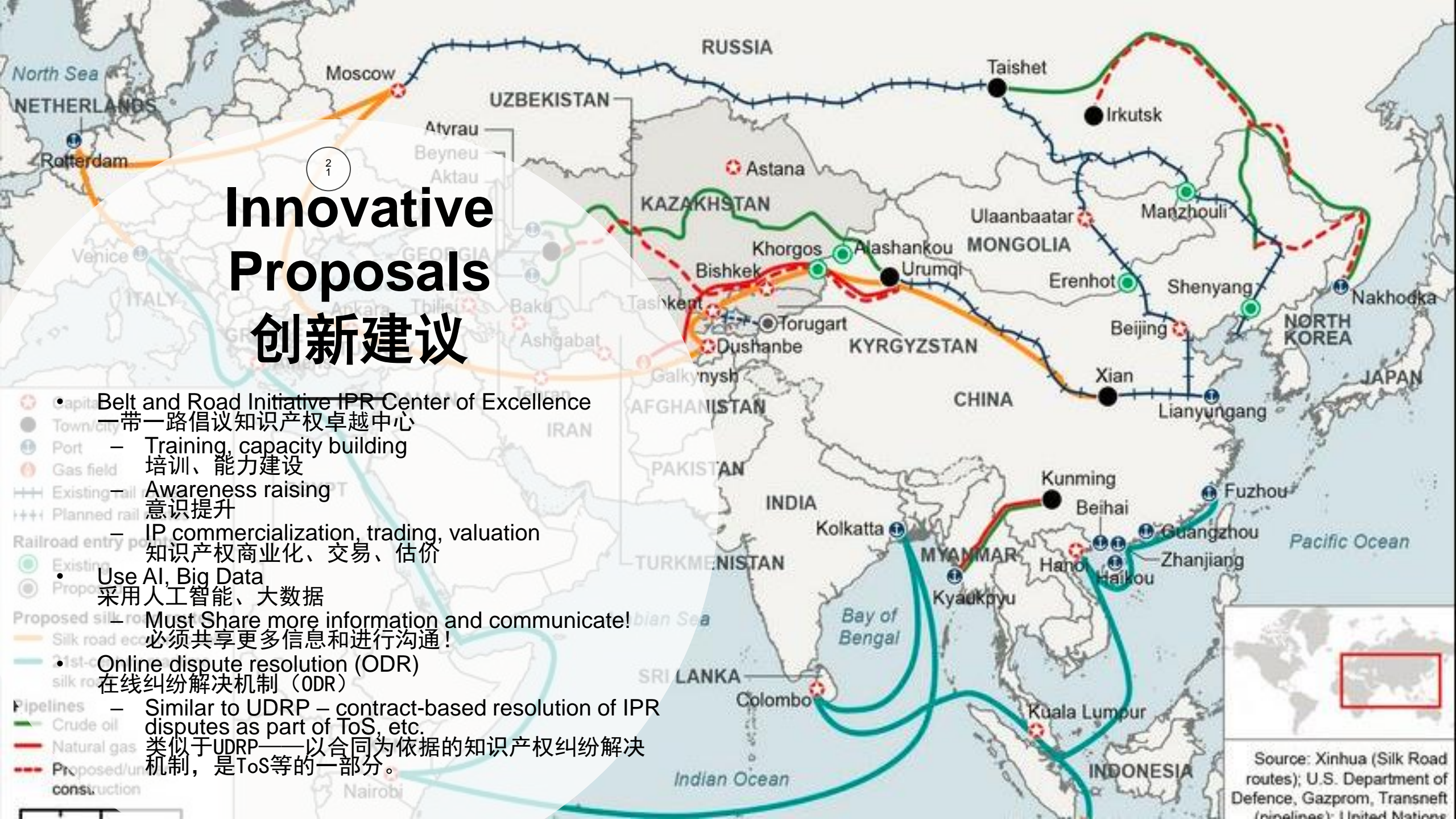
Youth Awareness: Unreal Campaign 青年意识：非真品 活动

The Unreal Campaign is INTA's public awareness initiative designed to educate teenagers (ages 14-18) about the importance of trademarks and intellectual property, and the dangers of counterfeit products. Since its launch, **the campaign has reached almost 10,000 students directly in 29 countries through 110 events and over 120,000 through online engagement and exhibit events**

非真品活动是INTA的公众意识倡议，旨在教育青少年（14至18岁）商标和知识产权的重要性以及假冒产品的危害。自发起以来，**此活动通过110次活动直接惠及29个国家的近10,000名学生，并通过在线互动和展览活动惠及120,000多名学生**

Innovative Proposals 创新建议

- Belt and Road Initiative IPR Center of Excellence
一带一路倡议知识产权卓越中心
- Training, capacity building
培训、能力建设
- Awareness raising
意识提升
- IP commercialization, trading, valuation
知识产权商业化、交易、估价
- Use AI, Big Data
采用人工智能、大数据
- Must Share more information and communicate!
必须共享更多信息和进行沟通!
- Online dispute resolution (ODR)
在线纠纷解决机制 (ODR)
- Similar to UDRP – contract-based resolution of IPR
disputes as part of ToS, etc.
类似于UDRP——以合同为依据的知识产权纠纷解决
机制，是ToS等的一部分。





International
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国际
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