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# Impact Counterfeit Goods – 2019

## 假冒商品的影响 (2019年)

(source EUIPO/OHIM and OECD) (资料来源: 欧盟知识产权局/欧洲内部市场协调局与经济合作组织)

Worldwide 全球

€339 billion  
3,390亿欧元

(USD 464bn ) (4,640亿美元)  
Trade in fake goods 假冒商品贸易额

Corresponds to 2.5%  
of global trade  
对应全球贸易额的2.5%

EU 欧盟

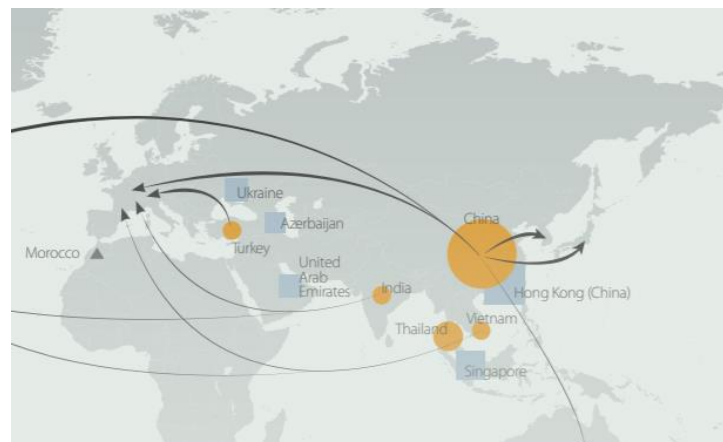
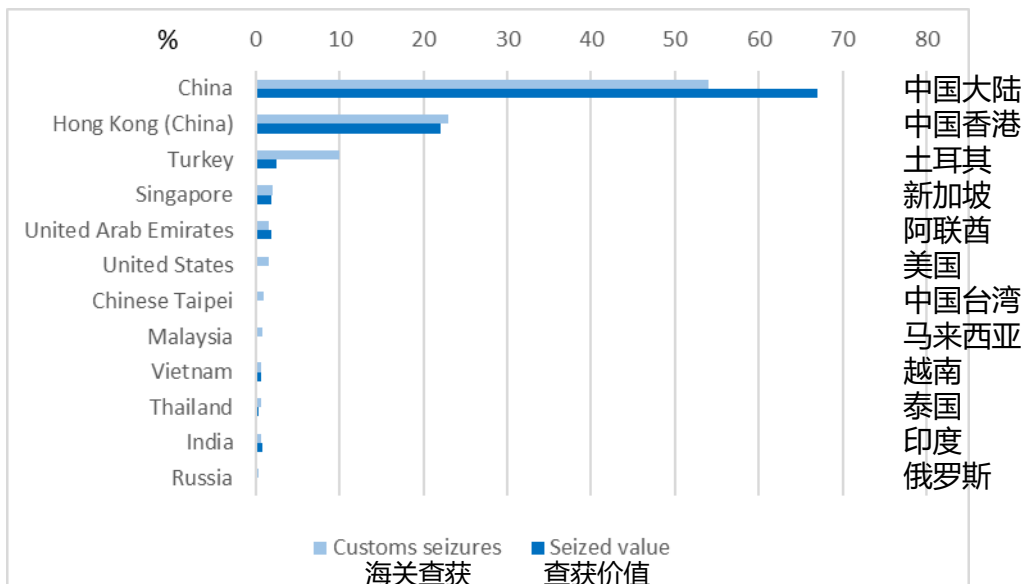
€119 billion  
1,190亿欧元

(USD 134bn) (1,340亿美元)  
of EU imports 欧盟进口额

Corresponds to 5.8%  
of total EU imports  
对应欧盟进口总额的5.8%

## Top 25 provenance economies for counterfeit and pirated goods, 2017-19

### 假冒和盗版商品的25大来源经济体 (2017-2019)

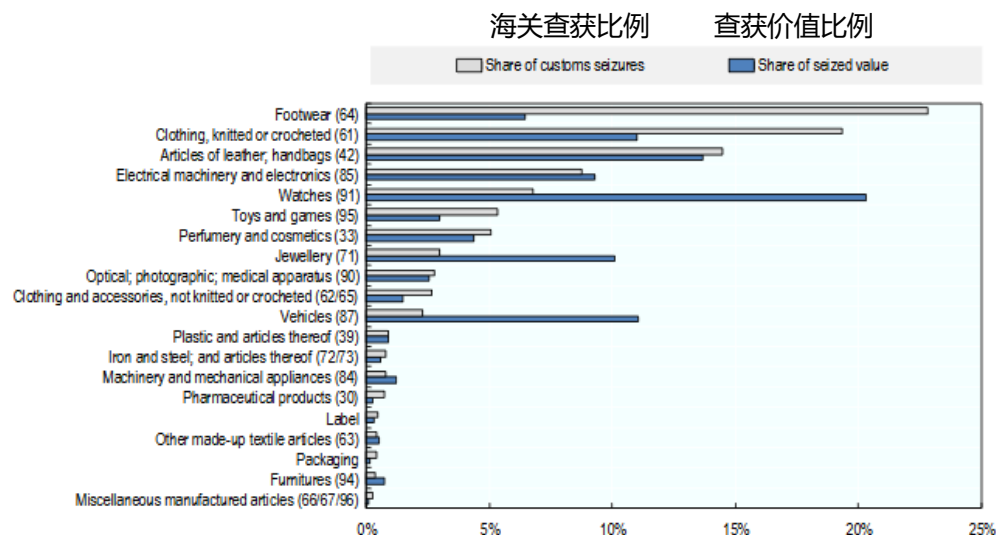


## 假冒和盗版商品的20大产品类别 (2017-2019)

### Top 20 product categories counterfeit and pirated, 2017-19



鞋类  
 衣物 (针织或钩编)  
 皮革物品、手提包  
 电动机械和电子产品  
 手表  
 玩具游戏类  
 香水化妆品  
 珠宝首饰  
 光学; 照相; 医疗器械  
 衣物和配饰 (非针织或钩编)  
 车辆  
 塑料及其制品  
 钢铁及其制品  
 设备和机械器具  
 医药产品  
 标签  
 其他制成纺织品  
 包装  
 加剧  
 其他制造品



# Challenges in the fight against IPR infringement (1)

## 打击知识产权侵权面临的挑战 (1)

- **New supply chain models 新型供应链模式:**
  - ▶ **Intricacy** of the value and supply chains 价值链和供应链错综复杂
  - ▶ Request for **fast** delivery 要求快速交付
  - ▶ Criminal quickly adapt to **infiltrate** the legitimate supply chain 犯罪分子快速渗入合法供应链
- Changing **safety and security** threats 安全威胁不断变化
- **Complex trade routes** used by organisations/companies that trade counterfeit goods (Free Trade Zones/Transshipment): a major obstacle for enforcement 进行假冒商品贸易的非法组织/公司使用复杂贸易路线 (自由贸易区/转运) : 执法主要障碍



# Challenges in the fight against IPR infringement (2)

## 打击知识产权侵权面临的挑战 (2)

### Surge of e-commerce 电商的兴起:

- ▶ In 2019, **70% of Europeans purchased online** 2019年欧洲网络购物渗透率达70%
- ▶ **56% of custom seizures at EU borders involve e-commerce**, but online sales seizures represent only **14% of the total value of detentions** (compared to 86% of detentions related to goods shipped by container) **欧盟海关查获的假冒商品价值的56%涉及电商**, 但被查获的线上销售假冒商品仅占**被扣押的假冒商品总价值的14%** (集装箱运输假冒商品占扣押总价值的86%)。
- ▶ 91% of detentions of counterfeits linked to e-commerce involve the postal service 被扣押的电商相关假冒商品价值的91%涉及邮政服务。
- ▶ **China sits at the top with more than 75% of seizures of counterfeit goods**, followed by Hong Kong at 5.7%, Turkey (5.6%) and Singapore (3.3%). China is also a dominant provenance country when we look at the value of counterfeit goods purchased online, with a share of 68% **按照查获假冒商品的价值计算, 75%来自中国大陆**, 5.7%来自中国香港, 土耳其和新加坡分别为5.6%和3.3%。按照网购假冒商品的价值计算, 中国大陆也是第一来源, 占比为68%。
- ▶ The EU detentions of counterfeits linked to e-commerce included a broad range of products, led by **footwear** (33.7% of total detentions), **clothing** (17.3%), perfumes and **cosmetics** (9.6%), **leather articles** (8.7%), **electrical machinery and equipment** (6.5%), **toys** (5.5%) and **watches** (5.2%). 欧盟扣押的电商相关假冒商品覆盖面广, 主要包括**鞋类** (扣押总价值的33.7%)、**衣物** (17.3%)、**香水和化妆品** (9.6%)、**皮革制品** (8.7%)、**电动机械设备** (6.5%)、**玩具** (5.5%)、**手表** (5.2%)。
- ▶ **Lack of relevant data** to allow risk-based controls by the customs and enforcement authorities. 由于**缺乏相关数据**, 海关和执法部门难以开展针对性风险管控。



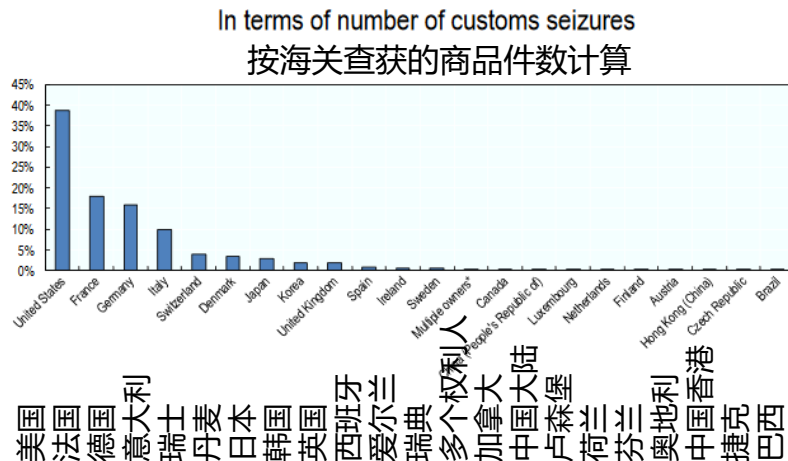
# Counterfeit goods - Impacted countries

## 假冒商品-受影响国家/地区

- **OECD countries** whose economies rely on innovation and creativity.
- 经合组织国家的经济发展依靠创新和创造。
- **But not only 不仅限于此:**
  - ▶ China ranks 15th in the list of economies most impacted by global counterfeiting and piracy 在受全球假冒和盗版活动影响最严重的国家中，中国排名第15位。
  - ▶ Counterfeiting undermines innovation within Chinese companies and their business strategies 造假损害中国企业的创新及业务战略。
- **Obvious interest to cooperate for better enforcing IPR and fight infringement at worldwide level 在通过合作提高全球知识产权保护执法力度、打击侵权行为方面，各方有明确的共同利益。**

### 被侵权人的主要来源经济体 (2017-2019)

Top economies of origin of right holders whose IP rights are infringed, 2017-19





# European Anti-Fraud Office (OLAF) - Mission and Mandate 欧洲反欺诈办公室的使命与权限

- OLAF investigations target a broad range of counterfeit products **dangerous for the health/public safety/environment**:
- 欧洲反欺诈办公室针对**危害健康/公共安全/环境**的各类假冒产品开展调查：
  - ▶ Alcoholic beverages 酒精饮料
  - ▶ Daily care products 日常护理用品
  - ▶ Food products 食品
  - ▶ Household products 家用品
  - ▶ Mechanical products 机械品
  - ▶ Medicines 药品
  - ▶ Pesticides 杀虫剂
  - ▶ Refrigerant gas 制冷气体
  - ▶ Toys 玩具



# OLAF investigative activities

## 欧洲反欺诈办公室调查活动

- **Investigation activities 调查活动**

- Interviews (take statements) 访谈 (录取供词)
- Inspections of premises 检查场所
- On-the-spot checks 现场检查
- Forensic operations 法医鉴定
- Investigative missions in non-EU countries 在非欧盟国家的调查任务
- Access to documents, computer data, budgetary, and accounting documents 查阅文档、计算机数据、预算和会计文件
- Taking and checking of samples 提取并检验样品





# OLAF investigative tools

## 欧洲反欺诈办公室调查工具

### ● **Specialized databases 专用数据库:**

- ▶ ATIS : transit movements 运输动向
- ▶ IET: import, export and transit 进口、出口和运输
- ▶ CIS+: seizures 查封扣押
- ▶ CMS: container status messages 集装箱状态信息

### ● **Intelligence** received through LEAs, Rightholders, Market Surveillance 通过执法机构、权利人、市场监督部门获取情报

### ● **Monitoring Internet 互联网监测**

- ▶ OSINT (Open Source Intelligence) (开源情报)
- ▶ On line platforms (e-commerce) 在线平台 (电商)
- ▶ Darknet marketplaces 暗网市场

### ● **Secure communication channel 安全通信渠道**

- ▶ AFIS 反欺诈信息系统



# OLAF support to judicial authorities

## 欧洲反欺诈办公室对司法部门的支持

- Participation in the execution of **rogatory commissions** 参与调查委员会的执行工作
- Authorisation for OLAF investigators to appear as **expert-witnesses** in legal proceedings 授权OLAF调查员以**专家证人**身份参与法律程序
- Appointment of OLAF investigators as **experts** in the framework of judicial proceedings, allowing their participation in certain actions (searches of premises, interviews...) 任命OLAF调查员在司法程序框架内担任**专家**，允许其参与特定法律行动（搜查场所、访谈等）
- Authorisation for OLAF investigators to participate to **Joint investigative teams** 授权OLAF调查员参加**联合调查团队**

# Example of OLAF investigation (1)

## 欧洲反欺诈办公室调查示例 (1)

### COVID 19 related products 新冠疫情相关产品

(face masks, test kits, falsified medicines, hand sanitizers...) (口罩、测试试剂盒、假药、消毒洗手液等)

#### ● Many opportunist companies 许多机会主义型公司:

- ▶ No control of the supply chain 对供应链不具备掌控能力
- ▶ Easy targets for fraudulent networks 容易成为造假网络的目标
- ▶ Artificially long chain of intermediary shell companies 故意设立多家空壳公司组成较长供应链

#### ● Results to date 成果:

- ▶ Over 100 million substandard or fake medical products stopped/seized: face masks, hand sanitizers (containing high proportion of methanol), tests kits, falsified medicines, ...
- ▶ 阻止/查获1000余万件假冒伪劣医疗产品: 口罩、消毒洗手液 (甲醇比例高)、试剂盒、伪劣药物.....
- ▶ Identification of more than **1.250 suspicious operators**
- ▶ 发现**1250多家可疑经营者**



# Example of OLAF investigation (1)

## 欧洲反欺诈办公室调查示例 (1)

### COVID 19 related products 新冠疫情相关产品:

- OLAF has teamed up with 欧洲反欺诈办公室与下列各方合作:
  - ▶ nearly all customs and **enforcement authorities** (customs, police) in Europe and many worldwide 几乎全部欧洲海关和执法机构 (海关、警方), 以及众多境外海关和执法机构
  - ▶ **EUIPO** 欧盟知识产权局
  - ▶ as well as with EUROPOL, **AMERIPOL**, **INTERPOL**, the **WCO** and the **WHO**. 欧洲刑警组织、美洲警察组织、国际刑警组织、世界海关组织和世界卫生组织
- Exchange of **intelligence/information in real time** 实时交换情报/信息



# Example of OLAF investigation (2)

## 欧洲反欺诈办公室调查示例 (2)

### Counterfeit rum 假朗姆酒

- More than 600 containers shipped from Central American countries to EU
- 600多个集装箱从中美洲运往欧盟
- **OCG** active in Central and Latin America, British Virgin Islands, Hong Kong, USA, several EU Member States.
- 在中美洲和拉丁美洲、英属维尔京群岛、中国香港、美国以及几个欧盟成员国活跃的**有组织犯罪团伙**
- Rum illegally bottled by a company in **Free Zone** in Central America:
- 中美洲**自由贸易区**某公司非法将朗姆酒装瓶：
  - Unbranded/cheaper rum coming from several countries 来自多个国家的无品牌/廉价朗姆酒
  - Caps and labels coming from China, Columbia and Peru 瓶塞和标签来自中国、哥伦比亚和秘鲁



# Example of OLAF investigation (2)

## 欧洲反欺诈办公室调查示例 (2)

### Counterfeit rum 假朗姆酒

Illegal bottling plant dismantled in Central America

在中美洲捣毁的非法装瓶车间





# Example of OLAF investigation (3)

## 欧洲反欺诈办公室调查示例 (3)

Interception of counterfeit shampoo 截获假洗发水



哥伦比亚的行动会议

Operational meeting in Colombia

Spanish Customs LO

西班牙海关



US Homeland  
Security  
Investigations

美国国土安全调查局



美国海关和边境保护局

US Customs and Border  
Protection

哥伦比亚税务与海关警察局

Tax and Customs  
Colombian  
Police (POLFA)

哥伦比亚海关

Colombian  
customs  
DIAN

哥伦比亚检察部门

Colombian  
prosecutor



# Example of OLAF investigation (3)

## 欧洲反欺诈办公室调查示例 (3)

- 16 containers seized in Columbia 在哥伦比亚查获16个集装箱
- 400 tons of the counterfeit haircare product - worth up to €5 million 400吨假冒护肤品，价值高达500万欧元

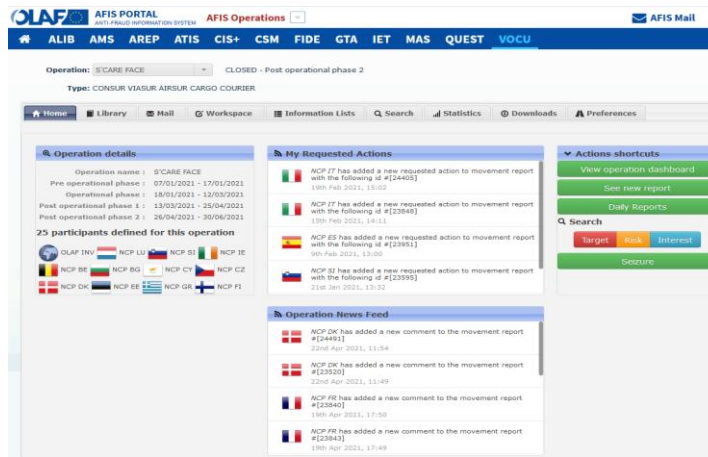


# OLAF Joint Customs Operations (1)

## 欧洲反欺诈办公室联合海关行动 (1)

### What is a JCO 何为联合海关行动?

- Coordinated and targeted actions of a limited duration with the aim of combating the smuggling of sensitive goods and fraud in certain risky areas and/or on identified trade routes. 规定期限内的针对性协同行动，目的是打击敏感商品的走私和特定风险领域和/或特定贸易路线的欺诈活动。
- Participation of EU Member States and third countries 欧盟成员国和第三国参与
- OLAF provides the necessary support for the relevant countries to conduct coordinated actions by means of its 欧洲反欺诈办公室通过下列方式向相关国家提供必要支持，开展协调行动：
  - permanent technical infrastructure, IT and communications tools 永久技术基础设施、IT和通信工具
  - strategic analysis, administrative and financial support 战略分析、行政和财务支持





# OLAF Joint Customs Operations (2)

## 欧洲反欺诈办公室联合海关行动 (2)

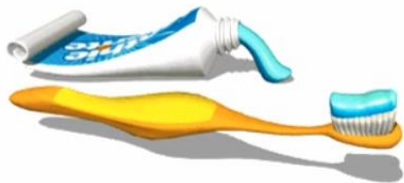
- Three phases 三个阶段: pre-operational 行动前、Operational 行动中、Post-operational 行动后



# Example of OLAF JCO

## 欧洲反欺诈办公室联合海关调查示例

**Operation HYGIEA 2019 : counterfeit fast-moving goods 2019 HYGIEA行动：假冒快消品**  
(Perfumes and toilet water; beauty and make-up preparations; shampoos, hair lacquers; toothpaste and preparation for oral hygiene; shaving reparations, deodorants and bath salts....) (香水和厕纸; 美容和化妆修面剂; 洗发水; 定型剂; 牙膏和口腔卫生制品; 剃须修面剂、除臭剂和浴盐等)



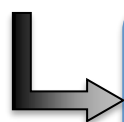
### Participation of Chinese Customs (in the framework of ASEM): 中国海关参与 (在亚欧会议框架内)

#### Results 结果:

- A total of **194.498 pieces of counterfeit perfumes, toothpaste, cosmetics** as well as **120.833,69 kg of counterfeit detergent, shampoo, diapers** were detained and seized.
- 扣押并没收总计194,498件假冒香水、牙膏、化妆品以及120,833.69千克假冒洗涤剂、洗发水、纸尿裤。
- **4.202.432 pieces of other counterfeit items** (battery cells, footwear, toys, tennis balls, shavers, electronic devices, etc.)
- **4,202,432件其他假冒物品** (电池、鞋类、玩具、网球、剃须刀、电子设备等)。
- In addition to the above seized counterfeit goods, several shipments of tobacco products – either found to be counterfeit or intended smuggled – containing **44.062 kg of water pipe tobacco** and **77.811.800 cigarettes** in total were detained during the operation.
- 此外，行动中还发现多批假冒或试图走私的烟草制品——扣押总计**44,062千克水烟**和**77,811,800支香烟**。

# EU-China cooperation on Customs & IP 中欧海关和知识产权合作

Agreement between the EU and the People's Republic of China on Cooperation and Mutual Administrative Assistance in Customs Matters (CCMAA) 中欧政府间海关合作与行政互助协定



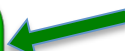
Strategic Framework for Customs Cooperation  
海关合作战略框架  
(2021 – 2024)



Action Plan  
for Customs Enforcement of  
IPR  
知识产权保护海关执法行  
动计划



Action Plan under the  
Strategic Administrative  
Cooperation Agreement  
行动计划依据战略行政合  
作协议制定



## Priorities for 2021-2024 2021-2024年优先任务

- Enhancing Supply Chain Security and Facilitation for Trusted Traders 增强供应链安全、为值得信任的贸易商提供便利
- **Strengthening cooperation on border protection of Intellectual Property Rights (IPR) 加强知识产权边境保护合作**
- **Strengthening the fight against fraud 加大欺诈打击力度**
- Developing statistical cooperation 开展统计合作
- Developing cooperation on cross-border e-commerce 开展跨境电商合作
- Protection of citizens 公民保护
- Horizontal actions 横向行动



# ACTION PLAN ON CUSTOMS ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS (2021-2024)

## 知识产权海关执法行动计划 (2021-2024)

### 6 Key Actions 六大行动

Regular Exchange of seizure **statistics** 定期交换  
查获统计数据

Target high-risk consignments in ports via direct exchange of case-specific **information on detentions** 通过直接交换具体案件的**扣押信息**，锁定口岸高风险货物

Develop special **joint operations** targeting particular routes and/or categories 针对特定贸易路线和/或产品类别，开展专项**联合行动**

Promote cooperation between customs and **other law enforcement** agencies and authorities in order to stop production and wind up distribution networks 促进海关与**其他执法部门**和机构的合作，阻止生产、打断分销网络

Joint development of partnerships with the **business communities** in the EU and China 与欧盟和中国的**商业社群**联合发展合作关系

Exchange of **knowledge and experience** of each other's IPR enforcement policies and practices 交换知识产权执法政策和实践方面的**知识与经验**

# Activities under the Action Plan

## 根据行动计划开展的活动

(with IPKey support) (获得IP Key支持)



1. Meeting with businesses
2. Meeting among customs officials
3. Port visits
4. Meeting with port authorities

1. 企业交流
2. 海关交流
3. 考察口岸
4. 口岸管理部门交流

# Conclusions 结论

- **International nature** of IPR infringement 知识产权侵权的**国际性**:
  - ▶ impossible for any agency that works only within national boundaries to dismantle the criminal network and to trace down the elaborated money laundering schemes that are at the heart of this type of fraud
  - ▶ 仅在国内内部运行的机构不可能捣毁犯罪网络，不可能对盘根错节的洗钱计划进行追查，打击欺诈活动的要害
- **OLAF Mutual Administrative Assistance Agreements** in customs matters with 74 countries outside the EU
- **欧洲反欺诈办公室与欧盟之外74个国家签订了海关事务行政互助协定**
- **The key to success** : continued / enhanced cooperation across the world in a spirit of **International Partnership**
- **成功关键**: **以国际合作的精神，在全世界持续加强合作**





THANK YOU FOR YOUR  
ATTENTION  
感谢聆听

