

2020 China – EU Conference IPR Protection Online & Innovation
2020中欧互联网知识产权保护与创新大会

New Tech and New Strategies in IPR protection and enforcement
知识产权保护与执法新技术、新策略

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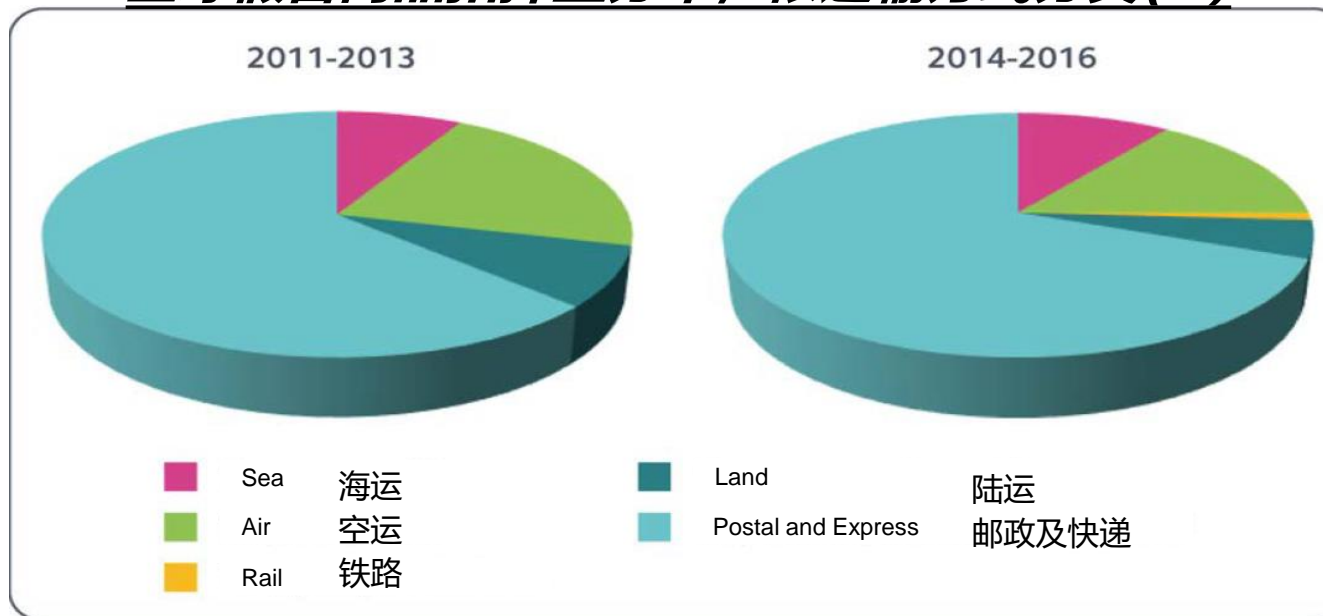
知识产权保护与执法新技术、新策略

- I. Main Challenges **主要挑战**
- II. Comprehensive Strategy **全面策略**
- III. Results **成果**
- IV. Remaining issues **遗留问题**

I. Main Challenges 主要挑战

Main challenges 主要挑战

Seizures by means of transport (%), in the World
全球假冒商品扣押量分布，依运输方式分类(%)



Source : OECD and EUIPO

资料来源：经合组织、欧盟知识产权局

Main challenges 主要挑战

Postal consignments and Express couriers are the main vectors for shipping counterfeit products

邮政及快递物流是假冒产品运输的主要途径

This trend reflects the increase of **online trafficking** (e-commerce platforms, social networks, dark net) that allows :

此趋势反映**网络贩运**（电商平台、社交网络、暗网等）活动的增加，并且造成：

- **Direct link** between foreign sellers (exporters) and individual buyers (importers)
- 境外卖家（出口商）与各买家（进口商）的**直接接洽**
- **Increasing number of consignments** with small quantities (difficult to seize)
- 小批次货物的**数量日益增加**（查获难度大）
- **Difficult to target and dismantle** (fictitious name and address of consignor, multiple websites, drop shipping)
- **难以锁定及捣毁**假冒商品（发货方采用虚假名称及地址、多个网站、工厂直接出货等方式）

II. Comprehensive Strategy 全面策略

Comprehensive Strategy 全面策略

A new global strategy for Customs in 2018 : To focus more on cracking down criminal organizations

2018年海关新型全球策略：更关注打击犯罪组织

- **Safe goods and without any link with a criminal organization** : detention of the goods, detailed expertise of the Right Holder, seizure and simplified destruction procedure
- **与犯罪组织无联系的安全货物**：扣押货物、掌握权利人详细信息、查封+简化销毁程序
- **Dangerous goods for consumers or linked to a criminal organization** : detention of the goods, detailed expertise of the Right Holder, seizure + investigation
- **对消费者有害或者与犯罪组织有联系的货物**：扣留货物、掌握权利人详细信息、查封+调查

Comprehensive Strategy 全面策略

Detection of counterfeits online : « Cyberdouane » unit 侦查网络假冒产品：Cyberdouan 单位

- Cyber Unit created in 2009
- 2009年成立的网络打假单位
- In charge of **watching** internet and of **identifying** offenders and illicit goods smuggling (narcotics, cigarettes, weapons, counterfeits)
- 负责**监控**互联网犯罪、**侦查**罪犯及货物走私（毒品、烟草、武器、假冒商品）
- **Monitoring** : clear (market places) and dark web, social networks, instant messaging, blogs...
- **监控**：明网（网络平台）及暗网、社交网络、即时通讯程序、博客等
- **Intelligence** : offences reported by PHAROS platform, Customs units.
- **情报**：由PHAROS平台、海关单位等报告犯罪活动

Comprehensive Strategy 全面策略

Detection of counterfeits online : « Cyberdouane » unit 侦查网络假冒产品: Cyberdouan 单位

- **Technical tools : software** used or developed in order to **monitor** internet, **analyse** data and watch specific website, **identify crimes and criminals** (with their pseudo, e-mail address, phone number), and also used for **remaining anonymous** (use an alias for taking part to a discussion in social network).
- **技术工具: 使用或开发软件**, 用于**监控**互联网犯罪、**分析**数据、跟踪具体网站, **确定犯罪活动及罪犯** (及其假名、电子邮箱、电话号码), 还用于**保持匿名** (使用化名参加社交网络中的讨论)
- **Legal powers 法定权力:**
 - **delivery of documents** (including paperless documents) by websites / datacentre / e-commerce platform : identification of offender, bank accounts, transactions
 - 使用网站/数据中心/电商平台**传送文件** (包括无纸化文件) : 识别罪犯、银行账户、交易信息
 - **Use of fictitious ID for buying counterfeits online** (including by using crypto currencies) in order to certify the offense
 - **使用虚拟ID购买网络假冒商品** (包括利用加密货币), 以证实犯罪活动

Comprehensive Strategy 全面策略

Targeting counterfeits : « SARC » (Risk analysis and targeting department)

锁定假冒商品：风险分析及定位打击部门 (SARC)

- Created in 2016
- 成立于2016年
- **Competences : Risk management** for pre-arrival control, customs clearance control, orientations for post clearance control.
- **责任：**到港前管控的**风险管理**、清关管控、针对清关后管控开展培训
- Since the beginning, SARC has recruited “**data scientists**” in order to work on **Customs Data and Big Data**, and improving targeting of illicit goods
- SARC自成立伊始便聘请“**数据技术专家**”，对**海关数据和大数据**进行研究，加强对非法商品的定位打击

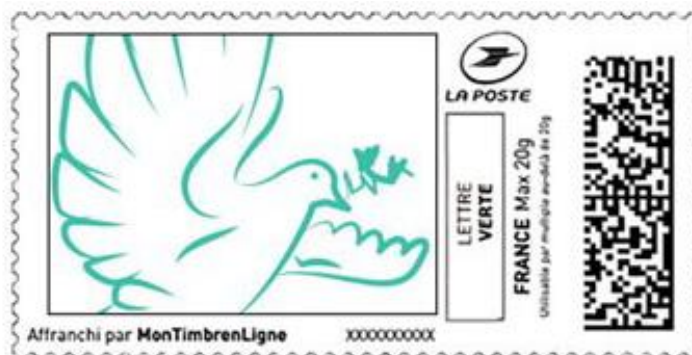
III. Results 成果

Results 成果

Case 1 : 2019 – Seizure of 17 000 fake stamps

案例1：2019年—扣押 17,000张假冒邮票

- Customs officers of « Cyberdouane » identified a market place on « e-bay » that sold presumed fake stamps. They bought online one in order to certify the offense, and identify the offender
- Cyberdouane 单位海关人员在 eBay 上发现假冒邮票销售网络；通过在线购买，证实嫌疑人行为、确定嫌疑人身份。
- A Customs Unit went to the criminal private residence in order to search more evidences and found a stock of 17 000 fake stamps
- 某海关部门为搜集更多证据，前往嫌疑人私人住所，查获17,000张假冒邮票



Results 成果

Case 2 : 2018 – 2 844 items 案例 2 : 2018 年扣押 2844 件物品

- Customs officers of « Cyberdouane » identified a suspect that sold counterfeit products on Facebook and Snapchat profile
- Cyberdouane 单位海关人员发现一名在Facebook和Snapchat上售假的嫌疑人
- Thanks to cooperation of the platforms, they identified the offender and his location (France)
 - 借助平台合作，确定了嫌疑人身份及其地址（法国）
- Customs Unit went to his home and found 2844 counterfeit products (textile, leatherwork, shoes, watches)
- 海关部门前往嫌疑人家中，查获2844件假冒产品（纺织品、皮革品、鞋类、手表）



IV. Remaining issues 遗留问题

Remaining issues 遗留问题

Finding New Tools for the identification of counterfeit products on internet :

识别网络假冒商品的新工具:

- Web scraping + AI ? 网页抓取+人工智能?
- Software able to link multiple websites owned by the same criminal 能将同一罪犯拥有的多个网站关联起来的软件

Finding New tools for helping identification of genuine products all along the supply chain (IoT):

用于全供应链正品识别的新工具 (物联网) :

- QR codes / RFID chips and Blockchain? 二维码/射频识别芯片和区块链?
- Specific solutions of sticker (shape, colour) directly printed on the package and registered in a single database ? 关于直接印刷于包装并于统一数据库注册的智能贴纸 (形状、颜色) , 是否有具体解决方案?

⇒ *All those solutions are based on cooperation with IT businesses, and consumers that help to identify "clusters" of fake products*

⇒ *上述解决方案都依托与 IT 企业及消费者的合作, 目的在于识别假冒产品 "集群"*

Thank you!
谢谢!

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Liberté
Égalité
Fraternité


DOUANES
& DROITS
INDIRECTS