



The European Observatory on Infringements of Intellectual Property Rights

Techniques for the Detection, Investigation, and Prosecution of online IPR Infringement cases

Anthony Manuguerra

IP Key SEA Workshop on the Fight Against Counterfeit Goods

07-8 November 2024, Hanoi, Vietnam

www.ipkey.eu



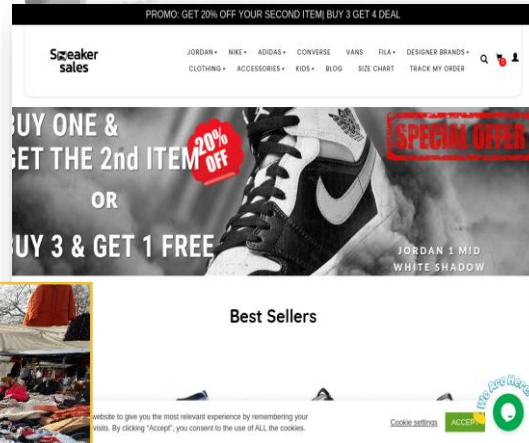
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- Online infringement typologies
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Evolution of IPR infringement

Physical market place → Online market place



The COVID-19 pandemic has presented new business opportunities for the online distribution of counterfeit

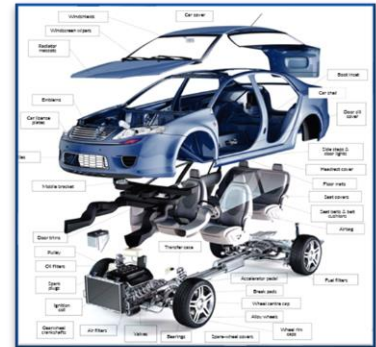
Counterfeiting now relies heavily on the digital domain to source components and distribute their products to consumers via online platforms, social media and instant messaging services

The shift to online counterfeiting has made enforcement more complex, as it involves tracking down digital footprints, coordinating with online platforms, and managing cross-border legal challenges



Online infringement

- All sorts of counterfeit products sold including dangerous goods affecting health and safety such as toys, electronics, food and spare parts;
- Prevalence of online platforms, social media and messaging services;
- Use of marketing tools to advertise counterfeit products “instagram influencers”;
- Quick adaptation to new trends and needs;
- Products are mainly produced outside EU.
- Assembly sites in EU

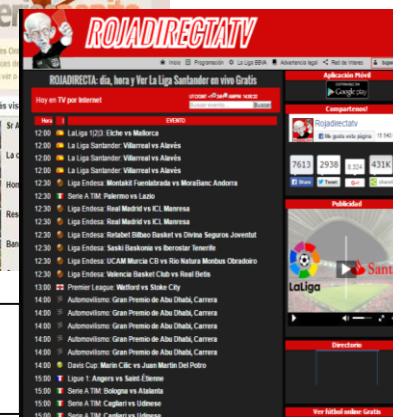


Piracy has evolved

From physical to digital copies of audio-visual content



IPTV

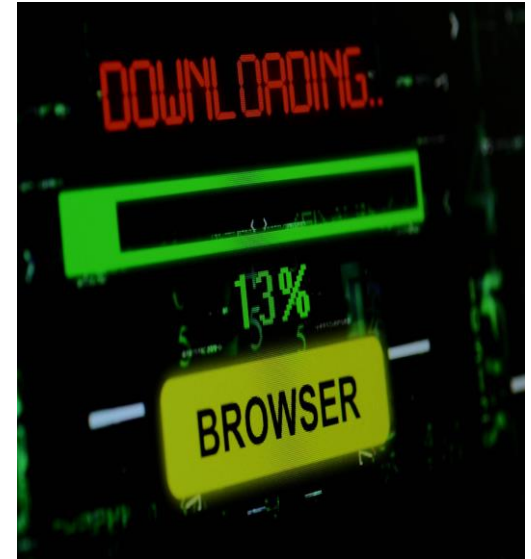


Piracy (...) refers to the unauthorized use and exploitation of a copyrighted work or copies thereof without the authorization of the copyright holder



Digital Piracy

- Digital piracy refers to the illegal copying or distribution of copyrighted material over the Internet
- Piracy, including the illegal distribution of streaming services through IPTV technology, is often linked to cybercrime and identity fraud. People who download these illegal movies, music or computer games are frequently targeted by ransomware or have their personal information stolen;
- Organised crime is often involved;
- Links with other crimes: money laundering, fraud, cybercrime;
- Cryptocurrencies as method of payment.



Digital Piracy

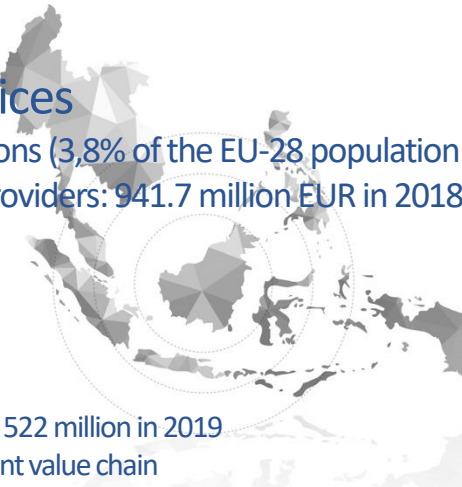
Digital piracy is on the rise again after a period of decrease

- Increase of illegal IPTV services

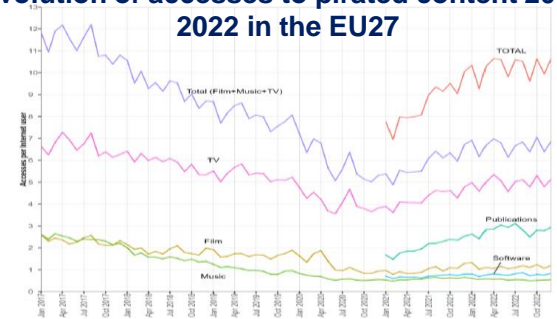
Estimated number of users: 13.7 million persons (3,8% of the EU-28 population in 2018). Estimated illicit profits generated by providers: 941.7 million EUR in 2018

- Live Event Piracy

Estimated illicit profits of online piracy of sport events: 522 million in 2019
Affects all the stakeholders contributing to the live event value chain
The European Commission recommends enhanced cooperation between LEAs and RH & among MS



Evolution of accesses to pirated content 2017-2022 in the EU27



Source: Report : Online Copyright Infringement in the EU, Films, Music, Publications, Software and TV (2017-2022)



Online places: key elements and tactics

WEBSITES

Fake Websites/Stores, False Registration Information, Temporary Domains, Low-Quality Web Design, Discounted Prices

SOCIAL NETWORKS

Anonymous or Fake Accounts, Direct Messaging and Private Groups, Short-Lived Advertisements, Influencer, Collaborations, Hidden Links

ONLINE MARKETPLACES

Third-Party Sellers, Misleading Product Listings, High Volume, Low Cost False Reviews and Ratings, Use of Warehousing Services, Shifting Sales Channels



Common Tactics Across Platforms

- **Affiliate Networks and Referral Links:** Counterfeiters may use affiliate marketing schemes where affiliates earn a commission for driving traffic to sites selling counterfeit goods.
- **Cross-Promotion:** They use one platform to drive traffic to another (e.g., promoting a counterfeit site or listing via social media).
- **Cryptocurrency Payments:** Many counterfeiters accept payments through cryptocurrencies to maintain anonymity and avoid payment processing restrictions and even offer discounts
- **Geographic Diversification:** Counterfeiters often operate from regions with lax enforcement of intellectual property rights, making it harder for brands and authorities to take action.

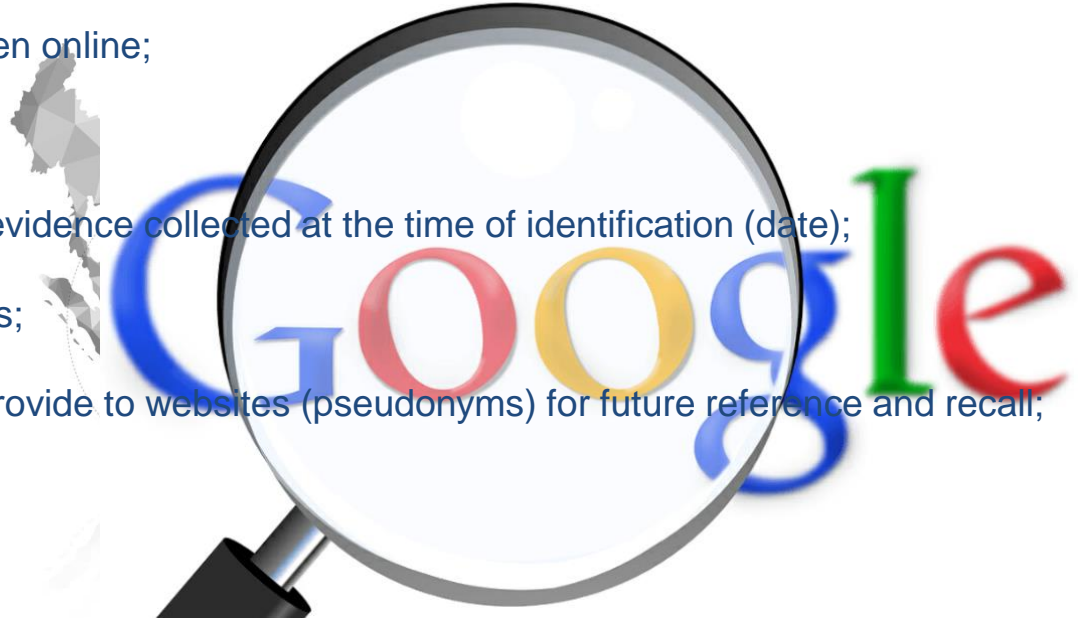
These elements allow counterfeiters to exploit the digital space, creating a challenging landscape for brand protection and enforcement efforts. Addressing these tactics requires a multifaceted approach that includes monitoring, legal action, and collaboration with platforms and enforcement agencies



Online Investigative methods and techniques



- Surf safely and anonymously;
- Use a VPN (TOR) at all times when online;
- Use Virtual Machines;
- Make a note/ take copies of ALL evidence collected at the time of identification (date);
- Make Screenshots of the websites;
- Record EVERYTHING that you provide to websites (pseudonyms) for future reference and recall;



Search Engine on internet

- **Swisscows**
- **Baidu**
- **Bing**
- **DuckDuckGo**
- **Yahoo**
- **Dogpile**
- **Metacrawler**
- **Gigablast**



Yandex



YAHOO!



GIGABLAST



DuckDuckGo



People Search Engine



<http://webmii.com>



<https://endato.com/>



<https://spokeo.com/>



<https://pipl.com/>



Reverse image search

Google Images
[images.Google.com](https://images.google.com)

Bing
bing.com/images

Yandex (Russia)
images.yandex.com

Baidu (Chinese)
stu.baidu.com



Archive.org

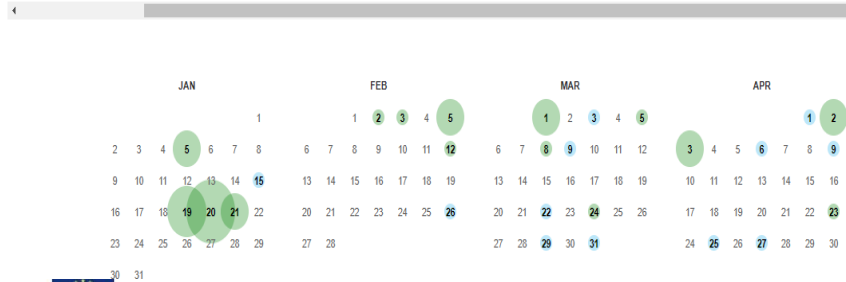
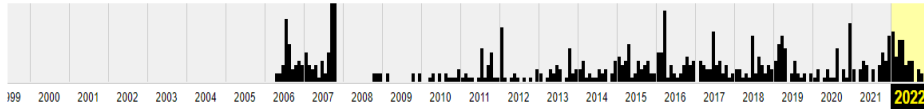
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Saved **632** times between April 23, 2006 and October 18, 2022.



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Los Dibujos y Modelos Comunitarios

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 FAQ (preguntas más frecuentes)
 Formularios y notas explicativas
 Aspectos prácticos
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 Estadísticas
 e-filing: solicitud electrónica



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Welcome to Facebook!

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Facebook is an online directory that connects people through social networks at schools.

Now there are two Facebooks: one for people in college and one for people in high school.

The site is open to a lot of schools, but not everywhere yet. We're working on it.

You can use Facebook to:

- Look up people at your school.
- See how people know each other.
- Find people in your classes and groups.

[Login](#) [Register](#)

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 a Mark Zuckerberg production
 Facebook © 2006

Online IPR Investigation – where to start?



How to start an investigation against online infringement

- **Feedback from seized parcel with counterfeit**
- **Complaint from private sector**
- **Request from other country**
- **Other governmental agency/ International body**
- **Own research – OSINT**
- **Crypto**



OSINT

Toddington International Inc. - Free Open Source Intelligence Resources

<https://www.toddington.com/resources/>

Academic & Scholarly Research Tools	+	Add-Ons & Apps	+
Deep Web & Specialty Search Tools	+	Image, Video & Multimedia Search	+
Kid Friendly & Educational Search Engines	+	Language Tools	+
Geo-Location and Mapping Tools	+	Meta & Mega Search Tools	+
News and Journalism	+	Online Communities	+
People, Phone Number & Company Finders	+	Proxy Servers, Online Privacy & Security Tools	+
Search Engines	+	Social Media	+
Reference Sites	+	Useful Websites, Tools & Documents	+
Username Search	+	Web Directories	+
Whois, IP Lookups & Website Analysis	+	Wikis	+
Free Downloads for the Online Investigator	+		

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International Cooperation against IP Crime



International coordinated cases

Operation 'In Our Sites'

Operation In Our Sites (IOS) is a recurrent global operation, launched in 2014 against websites selling counterfeit goods and pirated items.

In 2021, IOS XII has seen a remarkable increase from the previous edition. The joint international operation was facilitated by Eurojust, INTERPOL and involved the US National Intellectual Property Rights Coordination Centre and law enforcement authorities from 30 countries including EU Member States and third parties.

Operational results:

- 12 suspects arrested
- EUR 2.6 million worth of counterfeit goods seized
- Value of total cash seizures: EUR 460 468
- 494 516 websites taken down
- 48 criminal cases opened

Seizures:

- 42 055 counterfeit articles (shoes, clothes and multiple accessories)
- 181 445 boxes of counterfeit medical products
- 11 fake artworks being sold via online auction sites
- 37 cars and one motorcycle

Law enforcement authorities from 26 Member States (MS) and third parties, have seized together with Europol and the US National Intellectual Property Rights Coordination Centre have seized over 21 910 domain names offering counterfeit and pirated items online. More than EUR 2.5 million worth of such products have been seized, including counterfeit pharmaceuticals and pirated films, illegal television streaming devices, music, software and other bogus products.

Tackling the website domains selling counterfeit commodities, or involved with online piracy, has become a growing concern for all law enforcement bodies due to the versatility of the criminals, who can easily make large profits and delete their internet trail in a very short period of time.



Conclusions

- Challenges: Anonymization, scale and proximity, jurisdictional limitations, technical capability of investigators, anti-forensic strategies;
- New criminal structures unique for online environment: Swarms and Hubs **NOT** OCG typical structure;
- Close cooperation between rights holders and enforcers, and the quality of the information shared, are of key importance for enforcement work, both at the EU border and in the EU internal market;
- International cooperation is very often necessary since by nature this kind of crime is transnational;
- Importance of proactive work by LEAs through OSINT searches and undercover work;
- Increase information sharing and training on online IP crime investigation methods and strategies;
- Increased use of Crypto as a payment method as well as investment strategy
- intelligence-driven law enforcement actions and prevention measures to counteract the difficulties law enforcement agencies face due to shortages in enforcement resources dedicated to IPR.





THANK YOU



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