



**OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET**  
**(TRADE MARKS AND DESIGNS)**

Observatory

## **Summary**

### **The European Observatory on Infringements of Intellectual Property Rights' Plenary Meeting**

#### **Alicante**

21-22 October 2015

**Location: OHIM**  
Avenida de Europa, 4  
E-03008 Alicante, Spain



## List of Participants:

### Public Sector Representatives:

Belgique / België	General Directorate Economic Inspection	Jannik Grooten
Bulgaria	Patent Office of the Republic of Bulgaria	Evgeni Hristov
Česká Republika	General Directorate of Customs	Markéta Krčmářová
Danmark	Danish Patent and Trademark Office	Barbara Eva Suhr-Jessen
Deutschland	German Federal Ministry of Justice and Consumer Protection	Harald Schoen
Eesti	Ministry of Finance of Estonia	Piret Liira
Elláda	Hellenic Industrial Property Organization	Myrto Lambrou Maurer
España	Oficina Española de Patentes y Marcas	Cristina Fernández
España	Ministry of Education, Culture and Sport	Borja Álvarez Rubio
France	Institut National de la Propriété Industrielle	Stéphanie Leguay
Hrvatska	State Intellectual Property Office of Republic of Croatia	Marija Šiša Hrlić
Italia	Ministry of Economic Development	Francesca Cappiello
Κύπρου	Cyprus Police	Pavlos Pavlou
Latvija	Patent Office of the Republic of Latvia	Linda Zommere
Lietuvos Respublika	Ministry of Culture of the Republic of Lithuania	Simona Martinavičiūtė
Luxembourg	Customs General Directorate	Daniel Koener
Magyarország	Hungarian Intellectual Property Office	Mónika Németh
Malta	Customs Department	George Agius
Nederland	Ministry of Economic Affairs	Angela van der Meer
Polska	Polish Ministry of Culture and National Heritage	Kinga Szelenbaum
Portugal	Instituto Nacional da Propriedade Industrial	Ana Margarida Bandeira
Portugal	Cabinet of the Secretary of State of Culture	Maria Mineiro
România	Public Ministry Romania	Monica Pop
Slovenija	Intellectual Property Office	Klemen Grošelj
Slovensko	Industrial Property Office of the Slovak Republic	Henrieta Bakova
Suomi	Finnish Customs	Riikka Pakkanen
Sverige	Swedish Patent and Registration Office	Benjamin Winsner
United Kingdom	Intellectual Property Office	Elisabeth Jones

### Private Sector Representatives:

AAPA	Audiovisual Anti-Piracy Alliance	Sheila Cassells
ACT	Association of Commercial Television in Europe	Elisabeth Lismont
AIM	Association des Industries de Marque	Cecile Guillemard
Alliance for IP	Alliance for Intellectual Property	Eddy Leviten



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Andema	Asociación Nacional para la Defensa de la Marca	José Antonio Moreno
APM	Aktionskreis gegen Produkt- und Markenpiraterie	Peter Gretenkord
APRAM	Association des Praticiens du Droit des Marques et des Modèles	Clotilde Piednoel
BASCAP	Business Action to Stop Counterfeiting and Piracy	Zeeger Vink
CECCM	Confederation of European Community Cigarette Manufacturers	Mario Mueller
Cefic	The European Chemical Industry Council	Nicole Maréchal
ECTA	European Communities Trade Mark Association	Tobia Dolde
EURATEX	The European Apparel and Textile Confederation	Stéphanie Le Berre
EUROCOPYA	European organisation of movie and television producers'	Yvon Thiec
FEP-FEE	Federation of European Publishers	Enrico Turrin
GACG	Global Anti-Counterfeiting Group	John Anderson
IAB Europe	Interactive Advertising Bureau Europe	Sofia Dilinos
ICMP	International Confederation of Music Publishers	Lauren Keiser
ICMP	International Confederation of Music Publishers	Ger Hatton
IFPI	International Federation of the Phonographic Industry	Daniel Friedlaender
INTA	International Trademark Association	Christina Sleszynska
MARQUES	Association of European Trademark Owners	Ian Charles Lowe
SACG	Swedish Anti-Counterfeiting Group	Ann-Charlotte Söderlund
Unifab	Union des Fabricants	Delphine Sarfati

**Civil Society representative:**

BEUC	The European Consumers' Organisation	Augustin Reyna
EAASM	European Alliance for Access to Safe Medicines	Klaus Gritschneider
EDRi	European Digital Rights	Diego Naranjo
TAC	Together against Cybercrime International	Yuliya Morenets

**Observers:**

CPVO	Community Plant Variety Office	Muriel Lightbourne
EFTA	European Free Trade Association	Grímur Jóhannsson
EFTA - Ísland	Icelandic Patent Office	Margrét Ragnarsdóttir
EFTA - Norge	Norwegian Industrial Property Office	Hedvig Bengston
	Ministry of Trade, Industry and Fisheries	Bernd O. Ewald
EFTA - Schweiz /Suisse / Svizzera	Swiss Federal Institute of Intellectual Property	Sabine Dändliker



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EPO	European Patent Office	Telmo Vilela
EUROJUST	The European Union's Judicial Cooperation Unit	Sarah Strupp
ICPO–INTERPOL	International Criminal Police Organization	Roberto Manriquez
OECD	Organization for Economic Cooperation and Development	Piotr Strykowski
UNICRI	United Nations Interregional Crime and Justice Research Institute	Elena D'Angelo
WIPO	World Intellectual Property Office	Cecile Benbachir

**Representative from the EU Presidency**

Luxembourg	Ministry of the Economy	Patrick Huberty
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**Representatives from the European Parliament:**

Jean-Marie Cavada	MEP	ALDE
Julia Reda	MEP	Greens/EFA
Colette Boukaert	Assistant to Mr Jean-Marie Cavada	ALDE
Carine Piaguet	Committee on Legal Affairs	EP JURI

**Advisory Board member:**

José Luís Arnaut  
Lord John Mogg  
Frederick Mostert  
Ian Hargreaves  
Gerhard Bauer

**Representatives from the EU Commission:**

Jean Bergevin	DG GROWTH
Jorge Novais	DG GROWTH
Estelle Bacconnier	DG GROWTH

**Other representatives:**

Sara Gysen	GFK
Sergejs Timonins	Kinoblogeri
Agnès Aguiló	PAU Education



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<b>António Campinos</b>	<b>President</b>
Paul Maier	Director Observatory
Andrea Di Carlo	Deputy Director Observatory
Nathan Wajzman	Chief Economist
Claire Castel	Observatory
Alexandra Poch	Observatory
Valerio Papajorgji	Observatory
Erling Vestergaard	Observatory
Vincent O'Reilly	Observatory
Gyta Berasneviciute	Observatory
Justyna Petsch	Observatory
Carolina Arias	Observatory
Mario Gradi	Observatory
Stephanie Rowland	Observatory
Fabrice Claireau	Head of Cabinet
Luis Berenguer	Cabinet
Pedro Duarte	Cabinet
<b>Martti Enäjärvi</b>	<b>Special Advisor to the President</b>



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## Welcome and Opening Remarks

**The President of the OHIM** welcomed all participants to the 2015 plenary meeting of the EU Observatory on Infringements of Intellectual Property Rights. He emphasised the broad and inclusive nature of the Observatory network, which is increasingly gaining institutional credibility and visibility through the independent nature of its work, and the production of studies and tools which focus on the importance and protection of intellectual property (IP) across Europe.

He detailed the many activities and work streams of the Observatory, which aim to fulfil its function as a central body of IP stakeholders and experts. He underlined the development of inclusive sub-networks founded by the Observatory with which to improve knowledge about IP, including the recent establishment of the European Intellectual Property Prosecutors' Network (EIPPN) and the Orphan Works Network.

The Observatory's range of data-driven studies were referred to, including the quantification of infringement studies<sup>1</sup> which analyse the effects of counterfeiting on a sectorial level; the joint OECD-OHIM report which will map the total value of EU trade in counterfeit goods, and is due for publication in 2016; and the joint Europol-OHIM situation report<sup>2</sup> on counterfeiting in the EU. The President underlined that, in the context of the IP perception study<sup>3</sup>, future work will focus on the interests of small and mediums enterprises (SMEs) and on raising awareness amongst the younger generation. To this end, the SME Scoreboard will be further developed in order to identify the drivers and barriers for SMEs to register IPR, and what are the obstacles which they face when trying to enforce their rights. In the light of the IP Youth Scoreboard, further work is required to raise awareness about the availability of legal offers and the potential danger of counterfeit and piracy, on a pan-European scale.

**The EU Presidency** gave an update of the work in progress, including the EU directive on trade secrets for which an agreement is foreseen during the current presidency; proposals for changes in copyright legislation which will be presented by the end of 2016; and the ratification of the Unitary Patent, which should come into force in 2017.

**MEP Cavada** underlined parliamentary support for the independent ethos and aims of the Observatory, and emphasised the need, within the digital age, to strike a balance between private concerns and the need for transparency and legality. He stated that

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<sup>1</sup> "Quantification of Infringement of IPR Study"

[www.oami.europa.eu/ohimportal/en/web/observatory/quantification-of-ipr-infringement](http://www.oami.europa.eu/ohimportal/en/web/observatory/quantification-of-ipr-infringement)

<sup>2</sup> "2015 Situation Report on Counterfeiting in the European Union" Europol-OHIM

[www.oami.europa.eu/ohimportal/en/web/observatory/observatory-publications](http://www.oami.europa.eu/ohimportal/en/web/observatory/observatory-publications)

<sup>3</sup> "European Citizens and Intellectual Property; Perception, Behaviour and Awareness" OHIM

[www.oami.europa.eu/ohimportal/en/web/observatory/ip\\_perception](http://www.oami.europa.eu/ohimportal/en/web/observatory/ip_perception)



the EU economy must be adequately protected to function as an area which promotes free trade, remunerates innovators for their work, and sustains the right of consumers to access trusted products.

**The European Commission** voiced their support of the Observatory and the range of objective empirical studies carried out to date. They underlined the importance of independent research to effectively map the current issues surrounding IP and to progress the policy making process.

### **General Overview of the Activities Carried Out in 2015**

**The Director of the Observatory** gave an update on work carried out during 2015 to date – a document of the same had been sent to stakeholders prior to the plenary meeting. A short video was presented which detailed the progress made on online tools, the Enforcement Database (EDB) and Anti-Counterfeiting Intelligence Support Tool (ACIST) and the Anti-Counterfeiting Rapid Intelligence System (ACRIS); awareness-raising initiatives which focus on young consumers; the increasing collaboration with Europol, Eurojust and national police and Customs authorities in the consolidation of regular knowledge building seminars for enforcement officers and the judiciary; and the production of an IP Toolkit which will provide an IP manual for enforcement officers working at ground level.

The Director referred to several research projects currently in progress which include the mapping of voluntary collaboration practices; the establishment of the Orphan Works database and training on its use; the production of a FAQs guide on copyright; and a study on business models used to facilitate online infringement – the first step of which will look at the models used in online advertising. Additionally, a study into the value of content in the public domain, and a pilot study which will look at industry's use of trade secrets in order to protect their IP, is currently underway.

The Observatory highlighted that its strength lies in the cooperation and participation of its stakeholders, and its existence as a forum which encourages open debate within which all views are expressed and heard with equal importance.

### **Update from the European Commission**

**The European Commission** informed the floor about current and future policy initiatives and how they relate to the Observatory's work and in particular to its Work Programme to be adopted at the end of October 2015. The Digital Single Market communication announced a number of actions on copyright reform – the first stage of proposals will be finalised by the end of 2015, and the second phase will take place during 2016. A holistic review of the Intellectual Property Rights Enforcement Directive (IPRED) will take place following a planned public consultation at the end of November, in line with communication on the IP Action Plan. It was explained that focus will rest on the issue of commercial scale infringement; the role of intermediaries including that of online advertisers; the issue of damages which are currently widely viewed as insufficient; the effect of counterfeiting on SMEs; and measures to enhance the



regulatory framework, if necessary. It is foreseen that the IPRED review will be finalised by the end of 2016.

The Commission welcomed the work carried out by the Observatory on trade secrets. They also underlined the priority to map counterfeit products containing European geographical indications (GIs) and welcomed the Observatory's study on GIs which will commence in 2016. It was explained that a package of measures in relation to SMEs is foreseen in the announcement of the Single Market Strategy on 28<sup>th</sup> October 2015. The Commission explained the importance of national civil enforcement case-law data collation in order to support the policy making progress.

The floor was opened for questions. **The Commission** emphasised that, in the context of liability of intermediaries which sit outside the EU, efforts towards and investment in due diligence practices must be exercised by right holders, to strengthen their supply chains. They suggested that a legal framework should be established in order to support due diligence. **MEP Cavada** suggested that a joint fund could be set up by right holders and the Member States, in order to provide a pan-European effort against counterfeiting and piracy, and to raise awareness about the issues involved.

**The Commission** underlined the importance of awareness-raising work directed at young consumers carried out by the Observatory, especially in relation to promoting future innovation and employment. **Lord Mogg** suggested that consumers younger than 15-24 years old should be engaged in such work, which the Commission duly noted.

**MEP Cavada** stated that the time to progress from the information collated in studies, to tangible steps has arrived. This sentiment was seconded by the **President of the OHIM**, who gave the example of the costs of storage and destruction which currently rest on right holders and tax payers across Europe, and to the general need to create a sustainable framework of IP legislation to protect European industry at all levels. The European Commission replied that information from all the studies created by the Observatory will be used in order to discuss and prioritise the issues at Council level, and that the Member States must present their views in order to pursue changes.

The plenary meeting was subsequently divided into four sections – Consumers, Business, IP and Youth, and Infringements. At the end of each section, a short review of the Work Programme 2016 was given in order to assist participants who left prior to the end of the two day plenary meeting.

## **Consumers**

**Lord Mogg** introduced the theme of the discussion and the panel members. The three initiatives which were focused on relate to consumer use of the digital environment - namely test case music; the Legal Aggregator, and FAQs on copyright. Lord Mogg underlined the need to adapt to the needs of the consumer in the cross-border, digital age and made reference to the efforts of the music industry.



The Observatory gave a presentation on the highlights of the IP Perception Study and the IP Youth Scoreboard, focusing on consumers' online behaviour.

**FEP** underlined their concern that the studies identify reasons with which consumers justify their use of pirated content, rather than identifying ways to fight pirated content. They also emphasised the need to enhance consumer certainty regarding online content, and to educate consumers about the reasons why content must be purchased. **BEUC** and **Germany** stated that it is important to facilitate the demand for high quality legal offers across the Member States in order to lower consumer frustration. However, **IFPI** explained that, despite the music industry's adaptation to meet consumer demands, a quarter of consumers use illegal sites to download music content; therefore, availability is only one factor in the debate. **MEP Reda** echoed this sentiment and emphasised the importance of looking at the costs for industry of creating and protecting legal content. **MEP Cavada** underlined the importance of responsibility at supplier and editorial level, and appealed to the Commission to facilitate a sustainable legal framework regarding the protection of online content.

**The European Commission** stated that in some Member States, consumers appear to find it more difficult to judge whether content is legal or not, and that the legal framework surrounding copyright requires to be updated. **MEP Reda** suggested that there is a need to improve information in general for consumers, and that it would be useful to create transparency regarding the levies paid for content. **BASCAP** asserted that the focus of the studies should not rest on how consumers can identify legitimate sources of content, but should instead look at the role of intermediaries who continue to facilitate online illegal offers.

**The Observatory** presented on the pilot music test case initiative, the European Aggregator of Legal Offers and FAQs on Copyright. The pilot test case will take place in November 2015. It aims to assess what is legally available within the EU and simulates the ease of searches and purchases made by consumers first on domestic sites, and subsequently on foreign websites. The European Aggregator of Legal Offers pilot project is to provide a central portal for consumers with which to locate legal offers online for music, films, games, sports events and books. A toolkit will be provided in order to support each Member State in the creation of a national aggregator. **Lord Mogg** suggested that consumers aged 15 years and below should be approached via effective communication about identified sites which offer legal content. The FAQs on Copyright project was established with the input of civil society groups and with the aim to give more legal certainty to online consumers, in the form of a question-based guide. The guide will be prepared in all languages of the Member States and the project is foreseen for completion in 2016.

The floor offered their support for the projects but some reservations regarding the usefulness of the European Aggregator of Legal Offers and the way in which the FAQs on Copyright could be harmonised to be applicable to all Member States, were expressed.



**The Observatory** summarised the key action points of the debate, including focus on the actions of intermediaries, heightening awareness about legal offers, and collating data in existing studies in order to avoid duplication of efforts.

## **Businesses**

The panel was introduced by **Gerhard Bauer** of the Advisory Board. The debate focused on the importance of IP for businesses, more particularly, SMEs - many of whom do not have the resources or access to information enjoyed by larger organisations. The Observatory explained the findings of the IP Contribution Study, firm level, which shows that companies which own IPRs (trade marks, designs and patents) employ more people and pay 20% average higher wages than those which do not. The effect of higher revenue for companies which own IPR is particularly pronounced for SMEs. For this reason, the Observatory has elected to work on the SME Scoreboard, which is intended to identify the drivers and barriers to registration for SMEs.

The floor stated that in order to better understand the situation, all IP rights including trade secrets and non-registered rights could be included in the research. The Observatory underlined that the study does not draw a causal effect between ownership of IPRs and revenue. **EURATEX** stressed that the majority of SMEs do not have sufficient funds to pursue litigation in order to protect their rights, and that educating smaller businesses on IP protection is paramount. **AAPA** suggested that it would be beneficial to work collaboratively with all levels of industry as large companies encountered similar issues. **MEP Cavada** stressed the need to look at the different types of businesses and their needs - which include start-ups, manufacturing businesses, innovative companies and service businesses. This was duly noted by the Observatory, as was the need to summarise the main statistical findings of the study in a short, graphically appealing document of no more than two pages, for ease of reference and dissemination. **The Commission** underlined the utility of the studies in the policy making process and their intention to develop a package adapted for SME needs. The studies suggest that there are problems associated with the registration process as a whole and with the enforcement of rights.

Following on from this discussion, the **Observatory** introduced the highlights of the joint project between the OECD and OHIM in order to map trends in counterfeiting. The study consolidates and updates OECD's 2008 study. Additionally, the OHIM presented on the three sectorial studies carried out to date which map the effects of counterfeiting on lost sales, lost employment and lost tax revenues. A combination of the six sectors analysed to date reveal EUR 62.6 billion in total lost sales, 670,400 lost jobs and EUR 11.5 billion in lost revenue.

**The Observatory** explained the study carried out in the area of trade secrets which aims to identify which kind of companies use trade secrets, their drivers to use them, and what protection mechanisms they put in place. The study shows that SMEs tend to rely on trade secrets rather than patents, and companies which trade internationally tend to use patents rather than trade secrets. The Observatory explained that the study



looks only at innovative companies who use trade secrets, and that differentiation is made between process-based innovation and product-based innovation.

Feedback from the floor was positive, and underlined the need to strike a balance between trade secrets, confidentiality, and the need for transparency. **MEP Reda** suggested that it would be useful to carry out a review of case-law to identify the ways in which companies have claimed trade secret protection and in which cases the courts have rejected their claims. **The Commission** offered their support of this idea. **The Observatory** explained that they are currently carrying out a case-law collation exercise on trade secrets judgments.

The Observatory summarised the key action points of the debate, including the need to train companies on enforcement issues, the need to differentiate between different types of businesses, and continuation of the quantification of counterfeiting research.

### **IP and Youth**

**Professor Ian Hargreaves** introduced the theme of discussion and the participating panel. He underlined the importance of working alongside the younger generation who are a main user group of digital technology. It was suggested that the existing laws on digital technology must, through necessity, adapt to the younger generation's needs, and consumer needs as a whole. The panel included **Sergejs Timonins**, a blogger from Latvia who suggested that price is not the main driver pushing younger people to access illegal online content; the main source of frustration is the lack of available content. It was highlighted that streaming is an emerging trend for which users pay a fixed monthly fee. The **Hellenic Industrial Property Organisation** and **Unifab** presented their respective initiatives to communicate with and work alongside young consumers. They and **ICMP** suggested the focus group should be expanded to a lower age group than currently targeted. **Andema** stated that a lack of knowledge and understanding regarding the effects of counterfeiting is one of the factors involved in youngsters' illegal content use. The floor suggested that the targeted age group should be divided because the needs of secondary school age children are very different to those of consumers in their early twenties.

The IP Youth Scoreboard will be finalised by the end of 2015. The findings on digital activity show that 25% of youngsters access illegal content intentionally. Drivers include price, a wider choice and the lack of legal offers in their country. The "Ideas Powered" initiative, which started in 2014 offers the younger generation a forum in which to discuss, online, opinions and attitudes towards IP.

**The Observatory** highlighted the findings of the IP and Education in Europe report<sup>4</sup>, which found that IP is not taught as an individual subject in primary and secondary schools across Europe. The most innovative non-EU countries teach IP to young age

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<sup>4</sup> "Intellectual Property and Education in Europe" OHIM  
[www.oami.europa.eu/ohimportal/en/web/observatory/observatory-publications](http://www.oami.europa.eu/ohimportal/en/web/observatory/observatory-publications)



groups and as part of ethics and citizenship classes, which could be used to identify best practice.

**Alliance for IP** explained a UK awareness campaign which aims to educate youngsters about legal offers - the content of the campaign can be replicated and used across the Member States. They underlined that the message that content should be respected and remunerated, is a vital one. It was agreed that the question of affordability and market price is decided by the market and falls out of the scope of the discussions in hand, this was also confirmed by DG Grow.

**The Observatory** explained their grant award initiative which was launched in 2015 and has, to date, awarded 11 grants to support national awareness campaigns - the majority of which target youngsters. The successful projects will be followed and evaluated, with the aim to roll out to other Member States, if possible and advisable.

The Observatory summarised the key action points of the debate, including consolidation of the IP Youth Scoreboard user results in order to design innovative narratives which address young children, the production of material which can be tailored for national use, and the involvement of national ministries of education. The Observatory noted the floor's recommendation to focus on teaching children through values rather than focus on IP law, and to carry out a subsequent study to map the same users' activities as they mature.

### **Infringement**

**Dr Mostert** introduced the theme of the debate and discussed voluntary collaboration practices between right holders and intermediaries, which aim to reduce counterfeits and to build mutual trust. He detailed voluntary codes of practice which have been implemented in some Member States and the Observatory and WIPO's contributions to promoting best practice in this area.

**The Observatory** presented on the Europol-OHIM Situation Report on Counterfeiting in the EU which maps criminal involvement in commercial scale counterfeiting, packaging, repackaging and distribution across the EU, with an emerging pattern of domestic production. The report also underlines the opportunities which e-commerce and free trade zones (FTZs) offer organised criminal groups.

The progress of the Infringing Business Models Report was highlighted. The document aims to map 25 business models and 7 sub models (including the use of anonymity features and revenue sources) which are being used to infringe online, with accompanying case studies, and to map the similarities and differences between legal and illegal websites. The study also looks at activity on DarkNet, which includes the trade of confidential information in return for virtual payments. The Observatory, with the help of *Whitebullet* has carried out a complementary study which focuses on the use of adverts on infringing sites and suggests that a small amount of intermediaries are responsible for the majority of advertising on infringing web pages.



**IAB Europe** offered their support and explained their national initiatives to prevent advertising on infringing sites, which was duly noted by the Observatory. **AAPA** suggested that complementary work could be carried out into piracy. **IFPI** suggested that the data collated by *Whitebullet* could be added to that of the situation report on counterfeiting. **GACG** stated that they would like to see an enhanced international focus in future Observatory work, including collaborative work with China and increased efforts to tackle infringement as a criminal activity rather than a trade issue.

**Interpol** underlined their support for the joint Europol-OHIM study and suggested that the inclusion of more police data on seizures would be beneficial. **SACG** emphasised that effective dissemination of the studies to enforcement authorities at a national level is crucial, and in context of the “follow the money” approach, suggested the establishment of a voluntary practice with payment services. **BASCAP** reiterated the need to focus on intermediaries, including ICANN. They suggested that the application of existing offline frameworks, including mandatory registration by traders, would reduce anonymity and increase consumer confidence without the need for a change in legislation for online traders.

**Unifab** reported on their research which highlights the link between counterfeiting and terrorism; findings show that counterfeiting is the second source of all criminal revenues in the world. The Observatory voiced their support of the project.

**The European Commission** noted the comments regarding the burden placed on Customs and right holders due to the provision for small packages, and asked for further feedback on the matter. They reiterated their focus on the issue of calculation of damages in infringement cases.

The progress of the Voluntary Collaboration Practices study was explained, which focuses on the mapping and analysis of practice case studies. Gathering data has proven difficult – however, the results of the report will be presented to the Working Group meetings in March 2016. **Dr Mostert** suggested that publicly available records regarding notice and track down, and notice and take down procedures, and *Whois* data could be included in the study.

**The Observatory** summarised the key points raised during the debate, including the need to establish a voluntary collaboration code of practice; to consolidate work in the international arena alongside the Commission, and to look at matters associated with ICANN. He appealed to stakeholders to support the dissemination of findings of the Observatory’s studies.

### **Work Programme 2016**

The floor was thanked for their feedback and suggestions on the draft work programme; a document listing suggestions was circulated during the meeting.

In reply to some of these suggestions, **the Observatory** confirmed that one Working Group meeting will take place in Alicante and one in Brussels, each year.





It was noted that in terms of public awareness, focus will be placed on infringements and their effects, not only on the value of IPR.

Lessons will be drawn from the public tender procedure for the Observatory's grant scheme to promote public awareness, which took place for the first time in 2015.

It was confirmed that work to progress the interoperability of the EDB with WIPO's Interface Public Members' Tool (IPM) is underway.

The Observatory confirmed that reference to online infringement will include physical goods as well as digital content.

The Observatory will take a leadership role in delivering concrete actions on interagency coordination.

It was noted that revised methodology in the sectorial studies would not be appropriate as it is not possible to separate data between physical and online goods. The floor was reminded that there is a limit to range the studies that the Observatory is able to carry out.

Stakeholders were asked to offer more specific suggestions regarding respectively, ICANN and work on international cooperation.

### **2012-2015: Review of the Progress Made by the Observatory**

A questionnaire will be presented to stakeholders in order to gather feedback on the progress of the Observatory, according to the mandate laid down to regulate its activities and output. Stakeholders will also be asked for their opinions for improvement and the results will be reported during the Working Group meetings in March 2016. **The European Commission** informed that they will produce a comprehensive report on the work carried out to date by the Observatory, which will be published in June 2017.

Provisional dates for 2016 meetings of the network were given. Participants were advised that confirmed dates will be sent to them by the end of 2015.

The meeting was closed and all participants were thanked for their contributions and attendance.

ENDS