Strategic Goal VI of WIPO: Building Respect for Intellectual Property (IP)

Ms. Louise van Greunen
Building Respect for IP Division
Means of conveyance

Production

Export to other countries
According to you why would a person like yourself buy certain CF products? Select THE reason you find most relevant:

- Cannot afford the genuine product (35%)
- They think genuine products are overpriced (6%)
- They don't know it's not genuine (6%)
- It would be ridiculous or stupid to pay the full price of genuine products (5%)
- Because they don't have access to the genuine products (5%)
- CF product "do the job" just as well as genuine ones (21%)
- They are constantly offered those products by sellers (21%)
- CF products are more easily accessible than genuine (5%)
- They want to help CF products sellers (3%)
- CF sellers are more willing to serve their customers than regular retailers (2%)
They can damage your health or safety

If you buy genuine you'll have better service and warranty

You waste your money

Your money goes to criminals

Poor quality can damage the equipment you own

You set a bad example to children around you

You can get into trouble with the police

You steal from the original companies

You contribute to damaging the economy

You support a business based on stealing others' idea or art
Fakegifts.com

- DiPadova - largest Internet site dealing in counterfeit goods: Rolex, Cartier, Mont Blanc...
- he said: “… and even if they shut down one site, I'll put up another. I’m very much aware of what I'm doing, but the money is good, I'm going to keep doing it”
- sentenced (14.12.01) - 24 months prison + 3 years supervised released + US$ 14 million in restitution to TM owners
Article 61 of TRIPS

- Criminal procedures and penalties at least in cases of wilful trademark counterfeiting and copyright piracy on a commercial scale

- Definitions: Article 51 fn 14

  - **Counterfeit trademark goods**: goods and packaging – unauthorized trademark – identical or cannot be distinguished in its essential aspects – validly registered for such goods – infringing rights in country of importation

  - **Pirated copyright goods**: copies – directly or indirectly - without consent or authorization - infringing rights (copyright or related right) in country of importation
Advisory Committee on Enforcement
(WIPO Assemblies - September 23 to October 1, 2002)

One single Committee in charge of global enforcement issues with objectives:

- coordination with certain organizations and the private sector to combat counterfeiting and piracy
- public education
- assistance
- coordinate national and regional training
- exchange of information
Sessions of the ACE

1st Session: 2003

2nd Session: 2004 - the role of the judiciary and the prosecution in enforcement activities

3rd Session: 2006 - education and awareness-building, including training

4th Session: 2007 - cooperation and coordination at the different levels –criminal enforcement

5th Session: 2009 - contribution of, and costs to, right holders in enforcement, taking into account Recommendation No. 45 of the WIPO Development Agenda
A literature review of methodologies and gaps in the existing studies;

Identification of different types of infractions and motivations for IPR infringements, taking into account social, economic and technological variables and different levels of development;

Targeted studies with an aim to developing analytical methodologies that measure the social, economic and commercial impact of counterfeiting and piracy on societies taking into account the diversity of economic and social realities, as well as different stages of development;

Analysis of various efforts, alternate models and other possible options from a socio-economic welfare perspective to address the counterfeiting and piracy challenges’
Identification of different types of infractions and motivations for IPR infringements, taking into account social, economic and technological variables and different levels of development;

Targeted studies with an aim to developing analytical methodologies that measure the social, economic and commercial impact of counterfeiting and piracy on societies taking into account the diversity of economic and social realities, as well as different stages of development;

Analysis of various efforts, alternate models and other possible options from a socio-economic welfare perspective to address the counterfeiting and piracy challenges.
Preventive actions, measures or successful experiences to complement ongoing enforcement measures with a view to reducing the size of the market for counterfeited or pirated goods

Practices and operation of alternative dispute resolution systems in IP areas
Global Congress on Counterfeiting and Piracy

- WIPO / WCO / INTERPOL + private sector partnership
- *Paris, 2011 / Istanbul 2013*
- [http://www.ccapcongress.net/](http://www.ccapcongress.net/)
Purpose of the WIPO Development Agenda

To ensure a balance in the IP system, taking into account the needs and interests of all countries, developed and developing, and all stakeholders
Cluster F: Other Issues
Recommendation 45

To approach IP enforcement, in line with Art 7 of TRIPS, with a view that “the protection and enforcement of IP rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare and to a balance of rights and obligations.”
Development Agenda
Role of WIPO

- To support an informed policy debate on the way in which IP can best evolve as a tool for the individual and collective benefit and
- To establish an equilibrium between private rights to encourage creativity and innovation, and the public interest to access knowledge and in sharing and collaborating in cultural development
WIPO – Strategic Goal VI
Program 17: expected results

- Create and enabling environment that promotes respect for IP - balanced policy dialogue - Recommendation 45
- Strengthened legal frameworks and capacity building - strategic and coordinated - right holder cooperation
- Integration of IP issues in enforcement related activities of partner Organizations and strategic cooperation
Cooperation with the UN Environmental Programme (UNEP), UN ESCAP and other partners

- WIPO/UNEP Regional Workshop on the Disposal of Counterfeit Goods (Bangkok, July 3 and 4, 2012)
- WIPO/UNEP/UN ESCAP Regional Workshop on the Disposal of Counterfeit Goods for ASEAN Countries (Bangkok, November 21 and 22, 2013)
WIPPO Magazine June 2012
Nigeria’s Anti-Piracy Drive Yields Results
WIPO Development Agenda Project - Review of electronic waste recycling technologies – Patent Landscape

Patent Information Section,
Access to Information and Knowledge Division
Partners and issues

- Old devices pose health, labor and environmental problems
- Two basic issues:
  - Recycling
  - Material recovery
General: commoditization of e-waste

- China – patent application rates have increased seven-fold in just 6 years – mainly the dismantling of electronic items
- E-waste management is a source of high value materials, such as rare earth and noble metals
- Asia dominates e-waste recycling technologies – mostly locally filed (1,430 inventions in China – only 15 filed in other jurisdictions)
- Patents filed in multiple jurisdictions originate predominantly from Japan, the US and Germany
Other key findings of the e-waste recycling report

- Patent activity mainly after 2000
- Asian dominance in the E-waste recycling technologies landscape
- Emergence of China in the last 5 years, predominantly national patent filings
- Overall highest patent activity from Japan, with a decrease in the last years
- Growth in patenting in the areas of noble metals and rare earth materials
- Major applicants: electronic, metal extraction, and chemical corporations
Commercial findings

- Japanese also strongly associated with plastic recycling
- Just 9% of activity comes from not-for-profit entities such as Academic or Research Institutions (however, academic patent activity is growing)
- The top 30 research institutes are all based in Asia
- Chinese dominance, mainly due to the heavy usage of Chinese utility models
- However, the largest not-for-profit entity is the Japanese AIST organization
- An institute of particular interest is KIGAM in Korea
Technology findings

The landscape can be divided into three key concepts:

- **Materials** recovered + recycled – plastics and metals
- **Sources and processing** of e-waste – batteries, displays, cabling and printed circuit boards
- **Processes and logistics** involved – magnetic sorting and IT related management

- Materials: most patents for non-ferrous metals, plastics, ferrous metals and hazardous material, e.g. arsenic and lead. Also ceramics or rubbers, and rare earth metals
- Growth in the areas of rare earth and noble metals
Primary noble metal extracted appears to be silver, which is likely due to solder regulations in Europe –
- European Union Waste Electrical and Electronic Equipment Directive (WEEE) 2012/19/EU
- Restriction of Hazardous Substances Directive (RoHS) 2011/165/EU

E-waste innovation focused on mobile devices aims at the components within the device, rather than the device itself, like displays, batteries and printed circuit boards
Thank you!