



Partnerships & Linkages on IP Protection and Enforcement

ISIPPE-1 – Session 6 – Sub-theme 6

Thursday, June 15, 2023
1st International Symposium on
IP Protection and Enforcement
Nairobi, Kenya

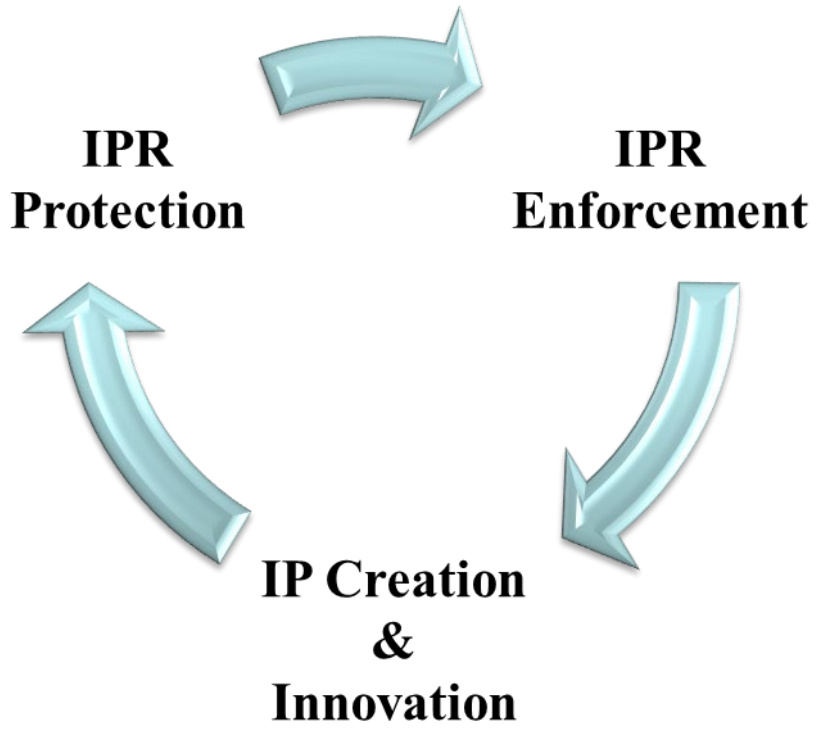
Xavier VERMANDELE
Senior Legal Counsellor, Building Respect for IP Division, Global Challenges and Partnerships Sector, WIPO



- International intergovernmental organization (UN system)
- Since 1967 (but a longer history: BIRPI)
- 193 Member States
- Self-funded
- WIPO's mission is to lead the development of a balanced and effective international IP system that enables innovation and creativity **for the benefit of all**.
- 26 treaties (not on IP enforcement)

www.wipo.int

REMINDER: Ensuring Effectiveness of IP Protection through IP Enforcement



REMINDER: WIPO Development Agenda & IP Enforcement

www.wipo.int/ip-development/en/agenda/recommendations.html

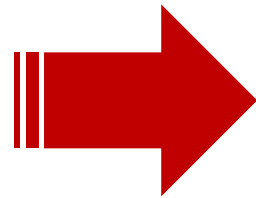


DA Recommendation 45

*To approach intellectual property enforcement in the context of broader societal interests and especially development-oriented concerns, with a view that “the protection and **enforcement of intellectual property 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**”, in accordance with **Article 7 of the TRIPS Agreement**.*

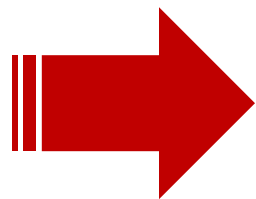
REMINDER: The Problem

- Global reach via *www* + problems of cross-border enforcement + efficient global trade



Massive trade in counterfeits

- Internet + digitisation of products & delivery



Massive online copyright piracy

REMINDER: Building Respect for IP

- WIPO, ER 2.3 “International dialogue and cooperation on Building respect for IP”
 - https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf

- Enforcement: (i) acting against infringement + (ii) acting on the "offer"
 - What about preventive measures, «soft law», role of intermediaries, etc.?
 - What about “the demand”?
 - Awareness-Raising: role of law enforcement authorities in that regard, too

- More global approach to contribute to a sustainable environment of respect for IP + balance between the interests at stake (general interest, consumers, right holders)
 - // WIPO Development Agenda, Recommendation 45

- L. Van Greunen, I. Gobac, *Building respect for intellectual property – The journey toward balanced intellectual property enforcement*, JWIP, 2021, available at: www.wipo.int/enforcement/en/news/2021/news_0003.html

BRIP Areas

<https://www.wipo.int/enforcement>

International Cooperation



International Cooperation with other IGOs, NGOs.

Advisory Committee on Enforcement (ACE)



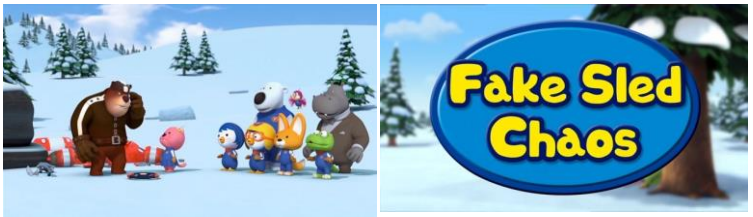
Technical Assistance (strateg. and legis. assist., capacity-building)

- Legislative Assistance
 - See: **WIPO/ACE/12/14**
(http://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_12/wipo_ace_12_14.pdf)
- Capacity-Building Activities.
 - See: **WIPO/ACE/11/10** and **WIPO/ACE/11/9**
(http://www.wipo.int/meetings/en/details.jsp?meeting_id=39546)

Member of **WIPO Alert**
wipo.int/wipo-alert

WIPO ALERT

Awareness-Raising (Respect of IP)



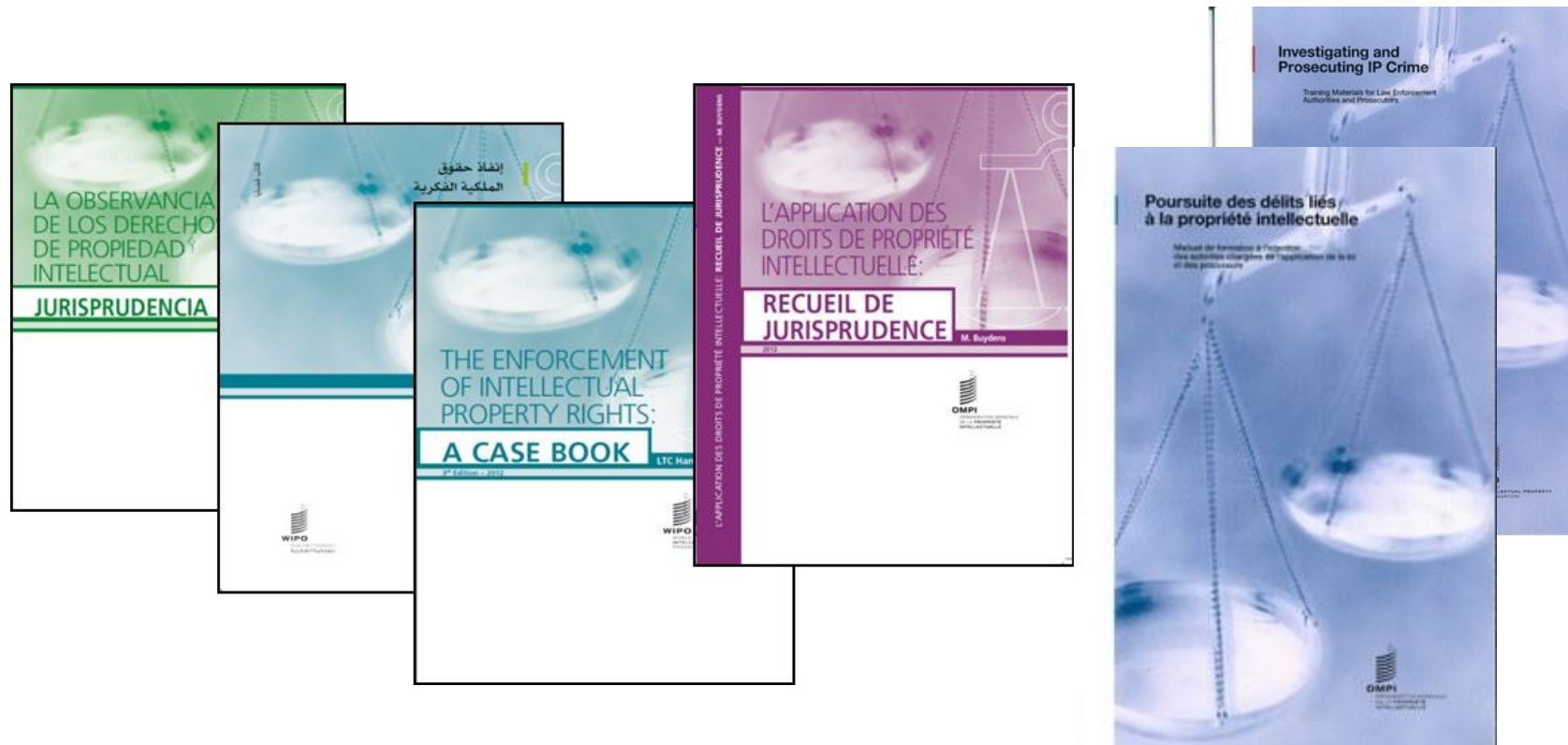
Technical and Legislative Assistance

- Upon request of the Member State(s) at stake:
 - Comments, opinions and advices on draft laws in enforcement areas (examination of the compatibility of current or draft legislation with enforcement-related obligations **under Part III of the TRIPS Agreement**).
 - See: **WIPO/ACE/12/14**
(http://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_12/wipo_ace_12_14.pdf)

Capacity-Building

- Upon request of the Member State(s) at stake
- **Capacity-Building Activities** for law enforcement officials, members of the judiciary, *etc.* (see: http://www.wipo.int/about-wipo/en/activities_by_unit/units/building_respect.html)
- See: **WIPO/ACE/11/10** and **WIPO/ACE/11/9**
(http://www.wipo.int/meetings/en/details.jsp?meeting_id=39546)

Capacity-Building - Tools



<https://www.wipo.int/publications/en/details.jsp?id=4363&plang=EN>

International Cooperation



Respect for IP – Growing from the Tip of Africa
International Conference
Sandton, South Africa
October 23-25, 2018

Logos of participating organizations: INTERPOL, WIPO, WTO-OMC, WIPO-OMPI, WIPO-OMPI



[etc...]



Awareness-Raising

Building Respect for IP: Awareness Raising

Building respect for **intellectual property** (IP) involves more than just enforcement; we also have to educate, inform and change attitudes. We assist our **member states** to design national strategies for building respect for IP and to develop tools for use in awareness raising, in particular among young people.



Challenge yourself with our 2 quizzes on our videos from **Botswana** and **Trinidad and Tobago**.

■ See:

- <https://www.wipo.int/enforcement/en/awareness-raising/>
- http://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ace_9/wipo_ace_9_11.pdf
- https://www.wipo.int/edocs/pubdocs/en/wipo_pub_brochure_brip_2018.pdf

Awareness Raising

WIPO YouTube Channel: Hip-Hop Star Tay Grin on Building Respect for IP

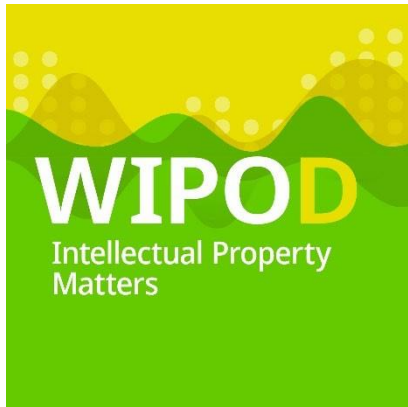
FEATURED



Video on YouTube: Hip-hop star Tay Grin on building respect for IP

<https://www.youtube.com/watch?v=Vpd2NB5y7eU>

Addressing everyone!



Listen to [**Eye on Copyright Enforcement**](#), a miniseries of WIPO's podcast, *Intellectual Property Matters*. We talk with artists, lawyers and creative industry experts, as we explore the importance of respecting and enforcing copyright.

Two episodes are out now and tell the stories of creating the hit song *Breakfast at Tiffany's*, and the copyright infringement case against Megaupload.

Watch WIPO's [**Respect for IP webinars**](#), which bring together academics, practitioners and IP enforcement officials to address topical issues around IP enforcement and building a culture of respect for IP through education and awareness raising.



Support of MCST, Rep. of Korea

Advisory Committee on Enforcement (ACE)



- No normative activity (=> “marketplace of ideas”)
- Work Program: (i) exchange of information on national experiences re. awareness-raising; (ii) exchange of information on national experiences re. institutional arrangements concerning IP enforcement policies, incl. mechanisms to resolve IP disputes; (iii) WIPO’s capacity-building activities, (iv) WIPO’s legislative assistance.
- Documents available (six official languages) under www.wipo.int/enforcement/en/ace/
- **Example/Reminder: ADR as a Tool for IP Enforcement** (see previous session) (https://www.wipo.int/edocs/mdocs/mdocs/en/wipo_ace_9/wipo_ace_9_3-main1.pdf).

“Follow-the-Money” Approach – Partnerships on IP Enforcement

PIPCU:

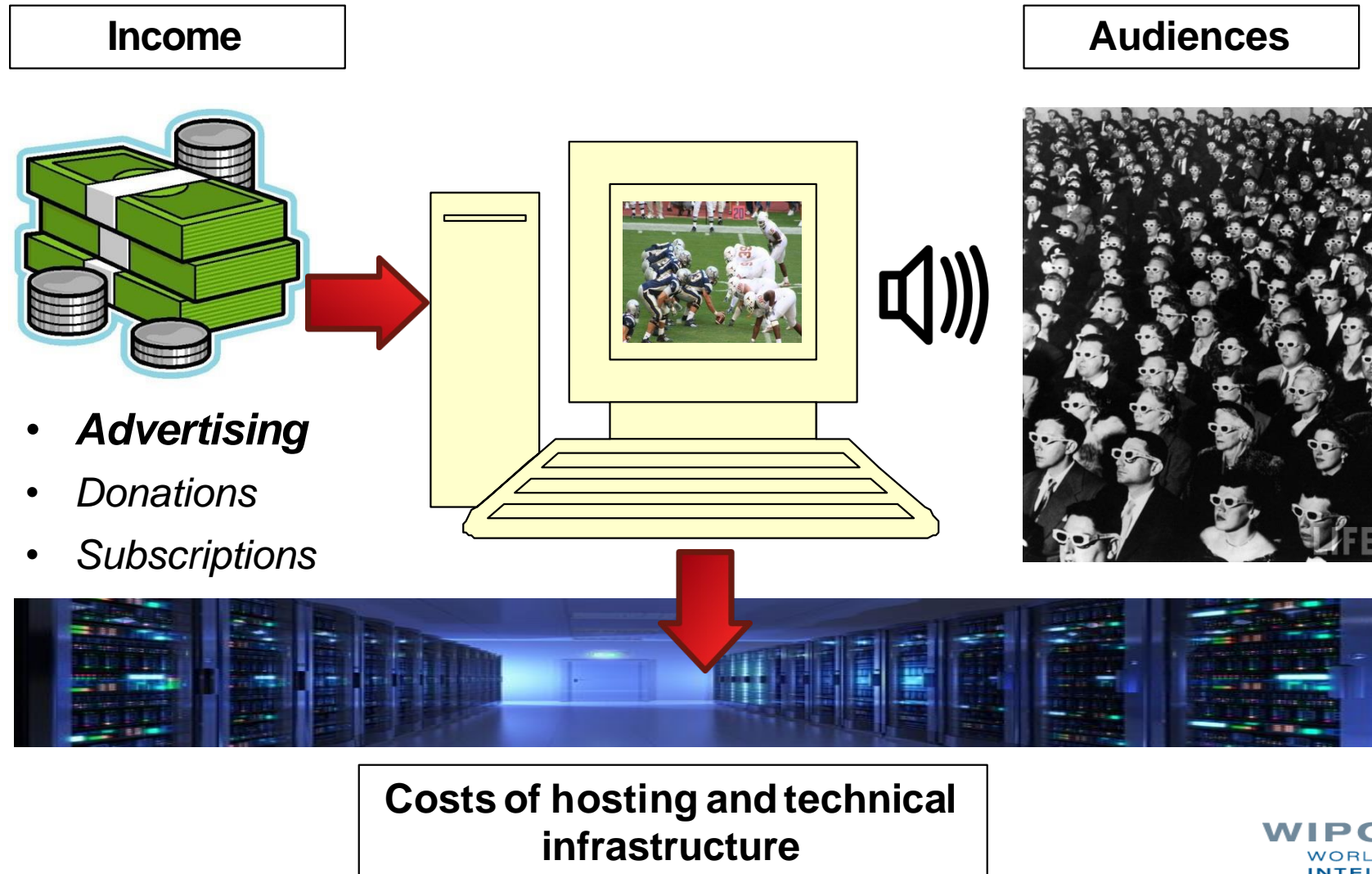
https://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_14/wipo_ace_14_8.pdf



“Chargeback”:


https://www.wipo.int/edocs/mdocs/enforcement/en/wipo_ace_11/wipo_ace_11_8.pdf

Pirate business model



WIPO ALERT

wipo.int/wipo-alert/en/

WIPO English  [IP Portal login](#)

[Understand & Learn](#) [Find & Explore](#) [Protect & Manage](#) [Partner & Collaborate](#) [About WIPO](#)

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WIPO ALERT

WIPO ALERT is a secure, online platform to which authorized bodies in [WIPO member states](#) can upload details of websites or apps which have been determined to infringe [copyright](#) according to national rules.

Who can use WIPO ALERT?


Advertisers, advertising agencies and their technical service providers can apply to become authorized users of WIPO ALERT in order to access aggregated lists of infringing websites from around the world.

They can use this information in their automated advertising systems to avoid placing advertisements on such sites. In this way, they can avoid subsidizing copyright infringement and protect their brands from the negative reputational effect of association with illegal activities.


Interested in becoming an authorized user of WIPO ALERT? [Contact us.](#)

[Read the full list of WIPO ALERT FAQs.](#)

FEATURED



Video: Watch this short video to learn why advertisers are using WIPO ALERT to improve brand safety.



WIPO ALERT Database

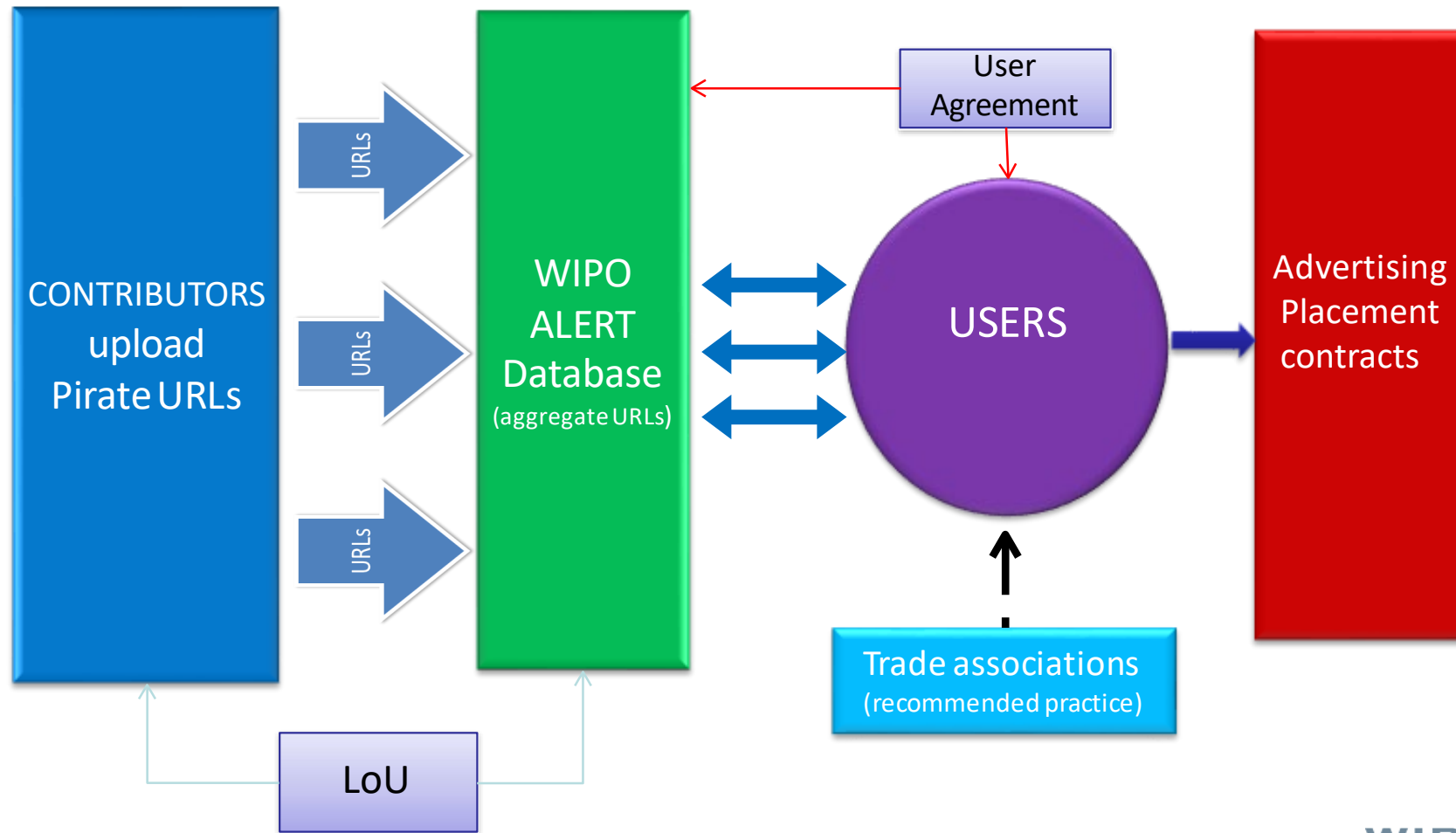
The search function is addressed to those website operators that wish to check whether their site has been listed on WIPO ALERT.

<https://www.wipo.int/wipo-alert/en/index.html>

WIPO ALERT Database

- **Objective:** Enable advertisers to prevent paid advertising from appearing on infringing web sites
 - Secure online platform hosted by WIPO
 - Aggregates national lists of websites found to be infringing copyright
 - Makes lists available to advertising industry.
- **Beneficiaries:**
 - Copyright owners, by depriving pirate sites of ad revenue
 - Trademark holders, by preventing brand placement in tarnishing environments
 - Advertisers and consumers, protecting from fraud-infested sites.

Modus Operandi



WIPO Alert

- 12 Authorized Contributors, more to come
(Brasil, Ecuador, Greece, Italy, Japan, Lithuania, Mexico, Peru, Republic of Korea, Russian Federation, Spain, Ukraine)
- 28 Authorized Users
(growing rapidly!)
- 10,587 domains listed as of
March 30, 2023



CDIP/BRIP – Project < Kenya (KECOBO)

Committee on Development and Intellectual Property (CDIP)

Thirtieth Session
Geneva, April 24 to 28, 2023

https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_30/cdip_30_4_rev.pdf

REVISED PROJECT PROPOSAL SUBMITTED BY KENYA ON DEVELOPMENT OF STRATEGIES AND TOOLS TO ADDRESS ONLINE COPYRIGHT PIRACY IN THE AFRICAN DIGITAL MARKET

prepared by the Secretariat

1. During the thirtieth session of the Committee on Development and Intellectual Property (CDIP), the Committee considered a project proposal submitted by the Kenya Copyright Board (KECOBO) on “Development of Strategies and Tools to Address Online Copyright Piracy in the African Digital Market”. The project proposal was revised during the session, based upon comments made by Member States.

CDIP/BRIP – Project < Kenya (KECOBO)

- Implementation in Kenya + 3 other African countries over a period of 3 years, starting in 2024. Driven by various DA Recommendations, inc. Rec. 45.
- *“The vibrant creative industries of the continent, especially music, film and television, face a high level of copyright infringement, preventing them from fully benefiting from the possibilities of the digital economy. In such a dynamic economic situation, protecting IPRs in the digital environment represents an important policy objective and a practical challenge. Recognizing the importance of the digital economy, the African Union in 2020 adopted a “Digital Transformation Strategy for Africa (2020-2030)”, including the objective of strengthening the protection of intellectual property rights².*
- *“The Project has the scope of assisting the beneficiary countries in effectively addressing online copyright infringement by examining potential enhancements of the regulatory framework, exchanging good practices, adopting cost-effective technical tools, conducting capacity-building activities, and providing customized technical assistance.”*

Asante! Thank You!



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www.wipo.int/enforcement/en/