



EU Observatory on Infringements of Intellectual Property Rights

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Role of the Observatory

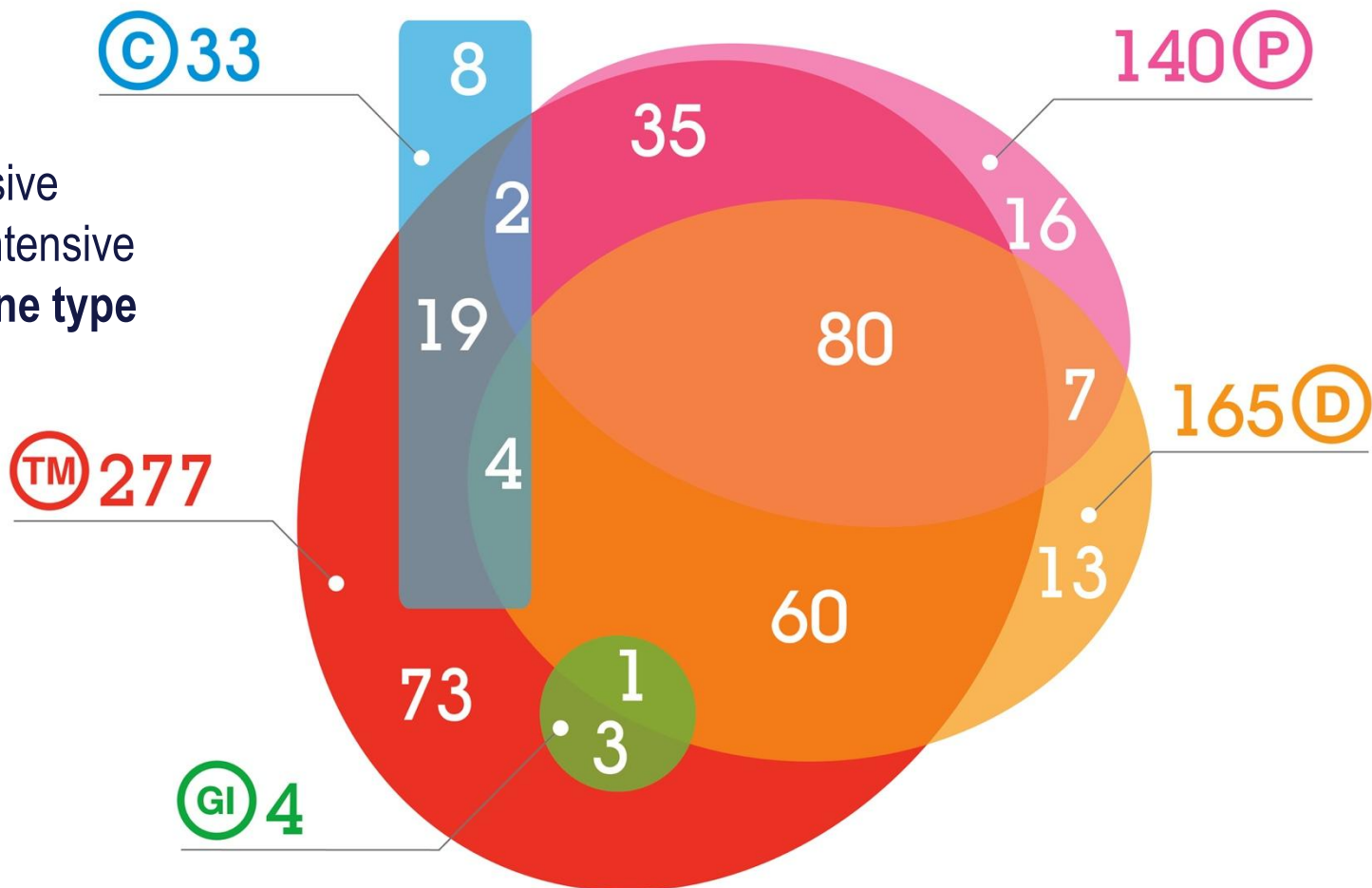
- Four types of actions:
 - Studies
 - Tools to help enforcement
 - Awareness campaigns
 - Training

The Observatory is a network

- 28 Member States
- 53 European and international associations + Private sector
- 6 Associations representing consumers and civil society
- European Commission (MARKT, TAXUD, TRADE, ENTR, OLAF, JRC)
- 10 MEPs
- EU and International organisations (Europol, Eurojust, EPO, WIPO, Interpol, WCO)

IPR-intensive industries

Most IPR-intensive industries are intensive in **more than one type of IPR**.



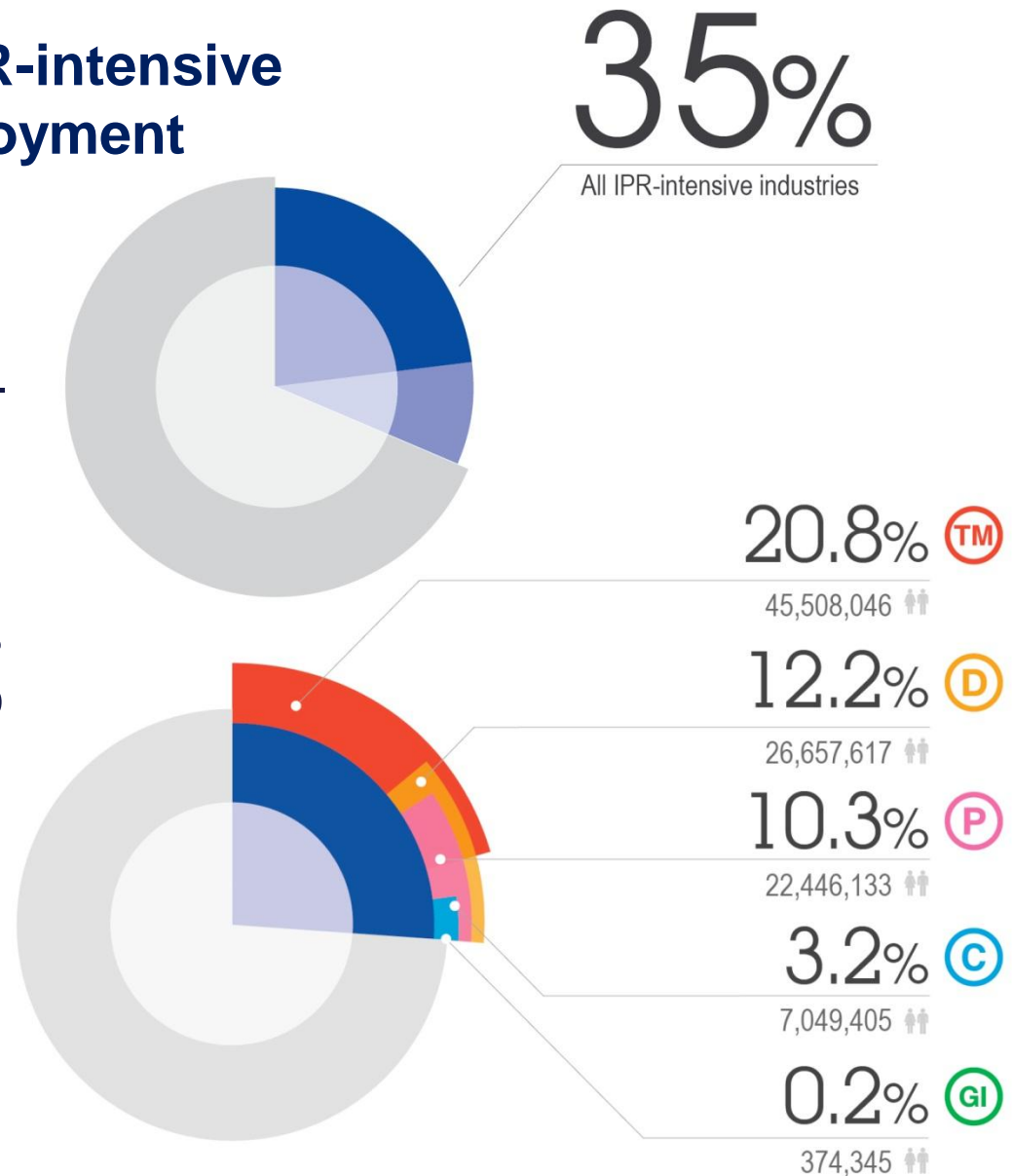


Contribution of IPR-intensive industries to employment

26% of all EU jobs were directly generated by IPR-intensive industries during the period 2008-2010.

An **additional 9%** were generated indirectly, by industries that supply goods and services to the IPR-intensive industries, for a total of **35% of all EU jobs**.

-  trade mark
-  design
-  patent
-  copyright
-  geographical indication





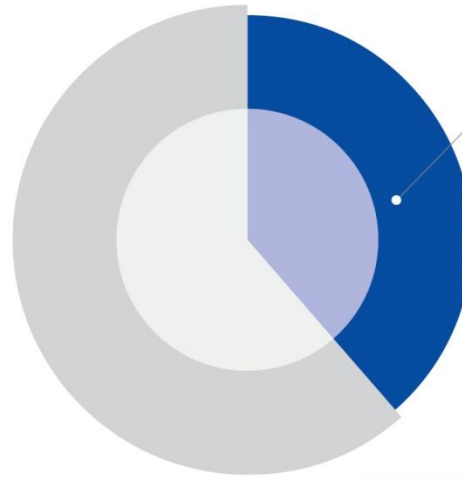
Contribution of IPR-intensive industries to GDP

39%

All IPR-intensive industries

39% of total economic activity (GDP) in the European Union was generated by IPR-intensive industries from 2008-2010.

This totals **over € 4.7 trillion** annually.



33.9%

4.16 trillion

12.8%

1.57 trillion

13.9%

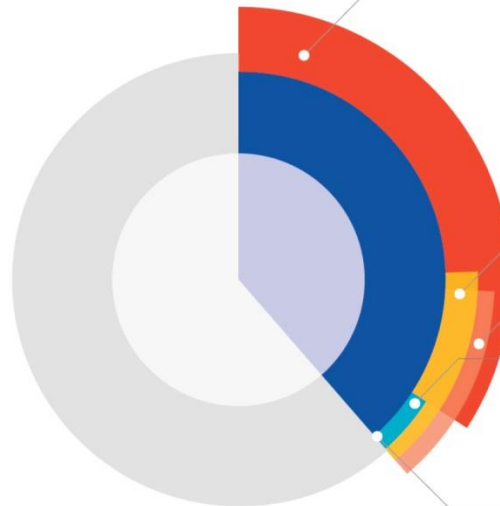
1.70 trillion

4.2%

0.50 trillion

0.1%

0.02 trillion



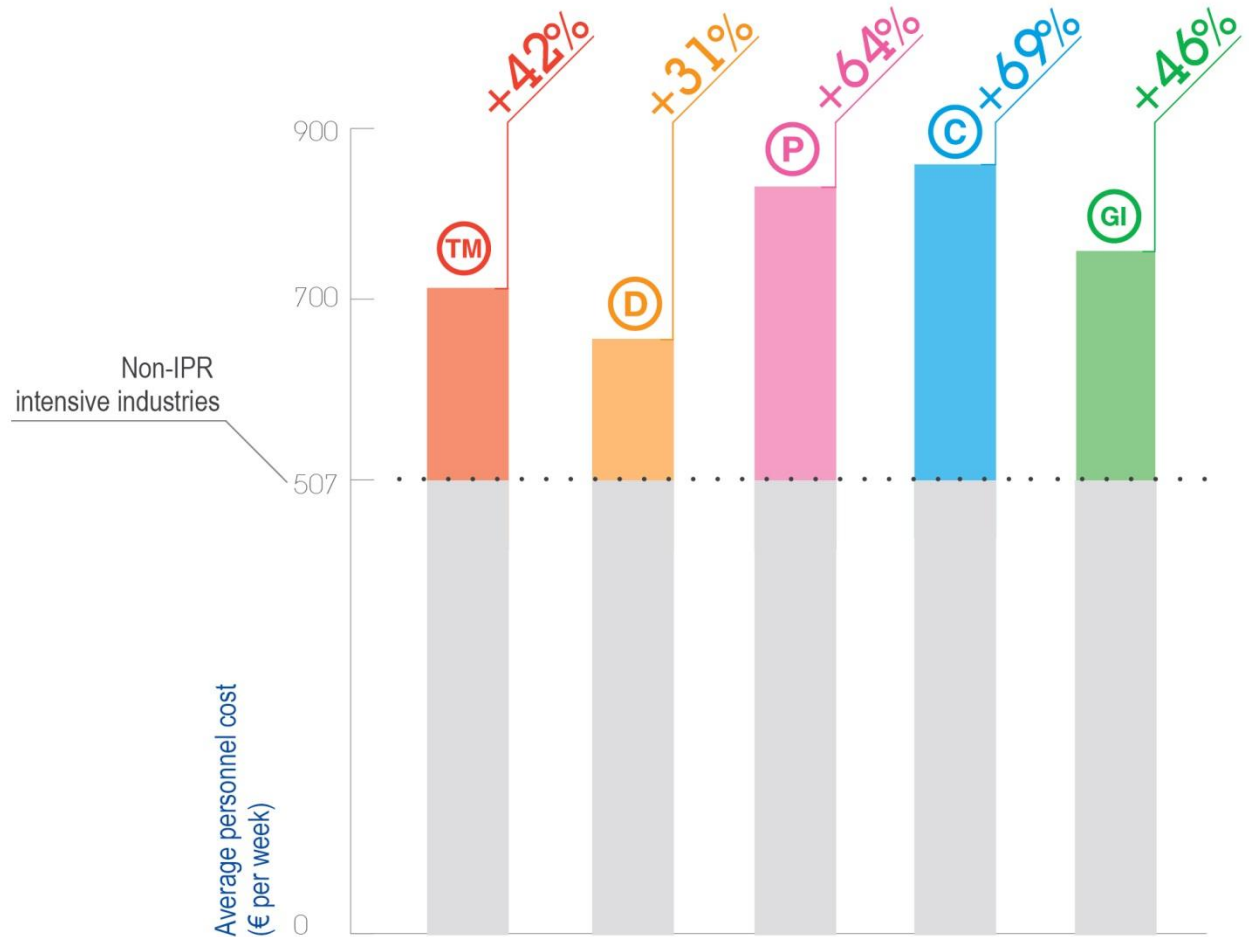
- trade mark
- design
- patent
- copyright
- geographical indication



Contribution of IPR-intensive industries to remuneration

IPR-intensive industries **pay significantly more** than other industries, with a wage premium of **over 40%**.

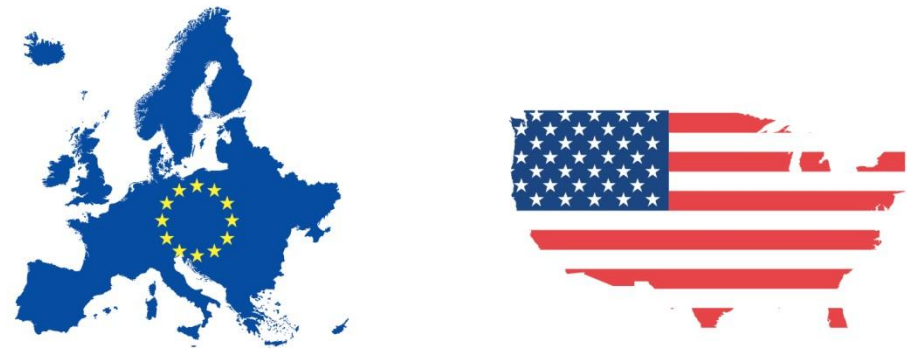
- TM** trade mark
- D** design
- P** patent
- C** copyright
- GI** geographical indication



Comparison with the USA

Comparing the results for the EU with those of a **USA study*** reveals that the contributions of IPR-intensive industries are similar.

*undertaken by the US Patent and Trademark Office



26%  19%

39%  35%

41%  42%

-  employment
-  GDP
-  remuneration

-  Europe
-  USA

IP Perception study



A study commissioned by the Office for Harmonization in the Internal Market in the framework of the Observatory programme.

November 2013

The European citizens value IP as a fundamental element of the economic and social system. However on a personal level they justify certain infringements.

The difference between the two opinions can be explained, according to the survey, by the fact that many of those questioned believe that IP does not benefit them personally or that the IP system does not meet their expectations, in areas like price, availability, diversity or quality.



Main Findings of the report

European citizens value IP:

96% of Europeans say Intellectual Property (IP) is important because it supports innovation and creativity by rewarding inventors, creators and artists for their work.

86% agree that protecting IP contributes to improving the quality of products and services.

69% of Europeans value IP because they believe it contributes to the creation of jobs and economic well-being.

Main Findings of the report

But from personal perspective a significant number of Europeans believe that certain IP infringements can be justified:

38% of EU citizens surveyed agree with the statement *“buying counterfeit products is an act of protest and a way to resist to the market driven economy and the large premium brands”*.

This figure rises to **49%** for EU citizens between 15 – 24 years old.

34% of EU citizens surveyed agree with the statement *“buying counterfeit products allows making a smart purchase that enables to have the items that you wanted while preserving your purchasing power”*.

This figure rises to **49%** or EU citizens between 15 – 24 years old.

Main Findings of the report

43% of Europeans consider that big companies are the primary beneficiaries of IP.

11% of Europeans consider that consumers like themselves are the primary beneficiaries of IP.

Younger generation is significantly different than the other age groups

14 – 25 years old value IP but justify IP infringement and challenge more than others the IP system and its benefits.



Main Findings of the report

22% of Europeans consider it is acceptable to download or access copyright-protected content illegally when there is no legal alternative in their country. This is **42%** amongst citizens from 15 to 24 years old.

42% of Europeans consider it is acceptable to download or access copyright protected content illegally when it is for personal use. This number rises from 15 points to **57%** amongst citizens from 15 to 24 years old.



The OHIM Academy and IP Judges

EU Trademark Judges symposium

- Every 2 years
- 2013 8th edition
- ECJ/CFI (CJEU/GC) and national
Community Trade Mark Judges
Members OHIM Boards of Appeal
- CTM/RDC registration/law of Members
States

Seminars for Trade Mark and Design Judges

- 3 to 4 per year since 2008
- More than 600 judges participated
- Presentations first morning
- Judges exchange among themselves
- Mock cases

Seminars for Trade Mark and Design Judges

- Subjects: classical trade mark and design questions / Scope of protection / IP in the internet / Damages / ...
- Creation of a network of judges
- Joint seminar with EPO in June 2014

OHIM Academy

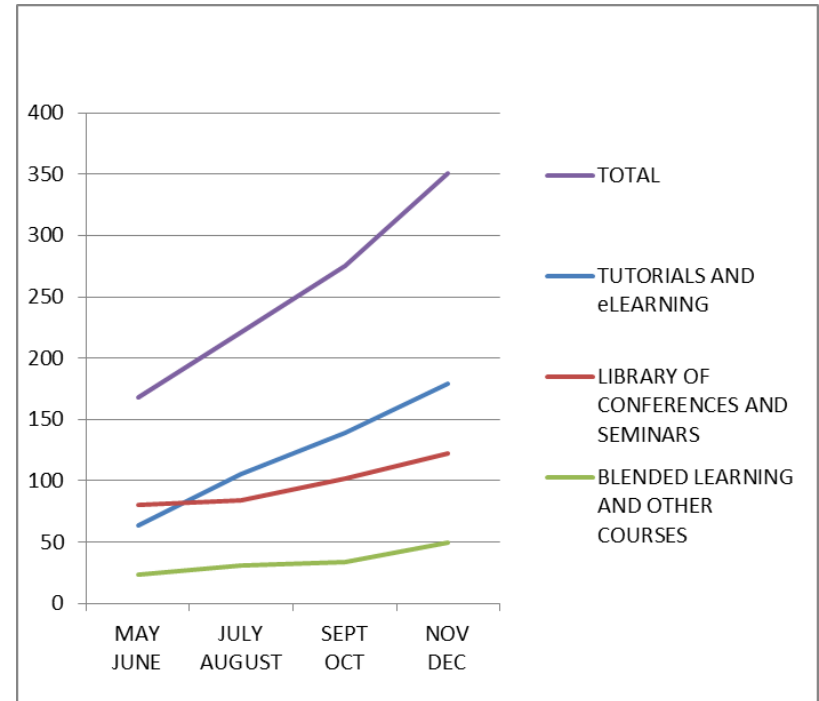
- Learning platform (OALP)
- Judges Forum
- Cooperation with EPO, EUROPOL, CEPOL, Interpol, Commission (e.g. DG Markt, Just) ERA, EJTN, WIPO
- National Judges (e.g. Portugal, Finland)

Cooperation with EPO

- MoU of May 2011
- Scope Art 2
 - 1) a) Training ...
 - 2) b) Awareness raising and promoting of IP System
 - 3) Other forms of cooperation are possible
- Training Art 3

OHIM Academy Learning Portal (OALP)

- **Tutorials and eLearning packages**
 - 20 courses divided in 179 modules
 - More than 50 hours of training delivered
- **Library of Conferences and Seminars**
 - 25 conferences and seminars divided in 115 modules
 - More than 75 hours of training delivered
- **Blended Learning and others**
 - Almost all face to face languages courses supported in the OALP
 - First face to face IP course has been successfully integrated...and more have been requested



Enforcement Data Base

- Enforcement tool: Application for Action (customs) link to TM View and Design View, practical elements for enforcers
- Open to customs, police, prosecutors, judges

Judge's forum

- Key initiative 20 of OHIM Strategic Plan
- Reg 386/2012 EU Observatory
- Area in Observatory Website dedicated to judges and prosecutors
- Access to OALP, Decision date base
- Links to other sites

Judge's forum

- Blog reserved to judges and prosecutors
- Exchange of information
- On-line information and videos
- Send judgements to OHIM
- Check veracity of certified copies



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IN THE INTERNAL MARKET
(TRADE MARKS AND DESIGNS)

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Thank You