

Combating Product Piracy



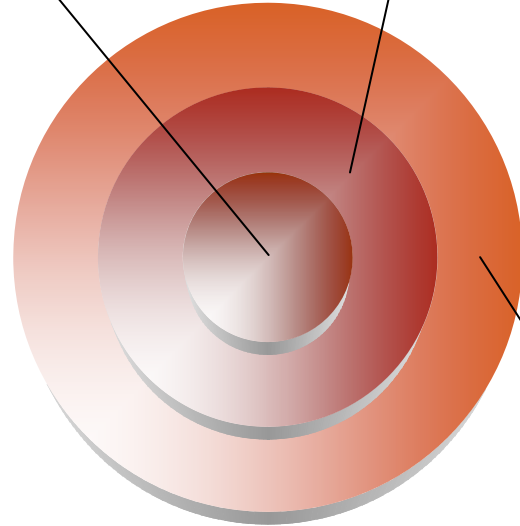
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Overview

TRIPS
General
Guidelines and
Standards,
often hampered
by big number of
Member states
with highly
different needs



EUROPEAN UNION LAW
More specific, tailored to
the needs of EU member
States, within the
Framework of international
obligations

NATIONAL LAWS
Implementing
international and
regional obligations
while securing higher
national standards

TRIPS

- ❑ Trade Relates Aspects of Intellectual Property Rights – Agreement of 1995
- ❑ Guidelines how WTO-member states' national substantive laws should protect IP
- ❑ Enforcement of IP Rights
- ❑ Dispute settlement for conflicts about IP between WTO-member states

European Union on Product Piracy

- Council Regulation (EC) N°1383/2003 of 22 July 2003

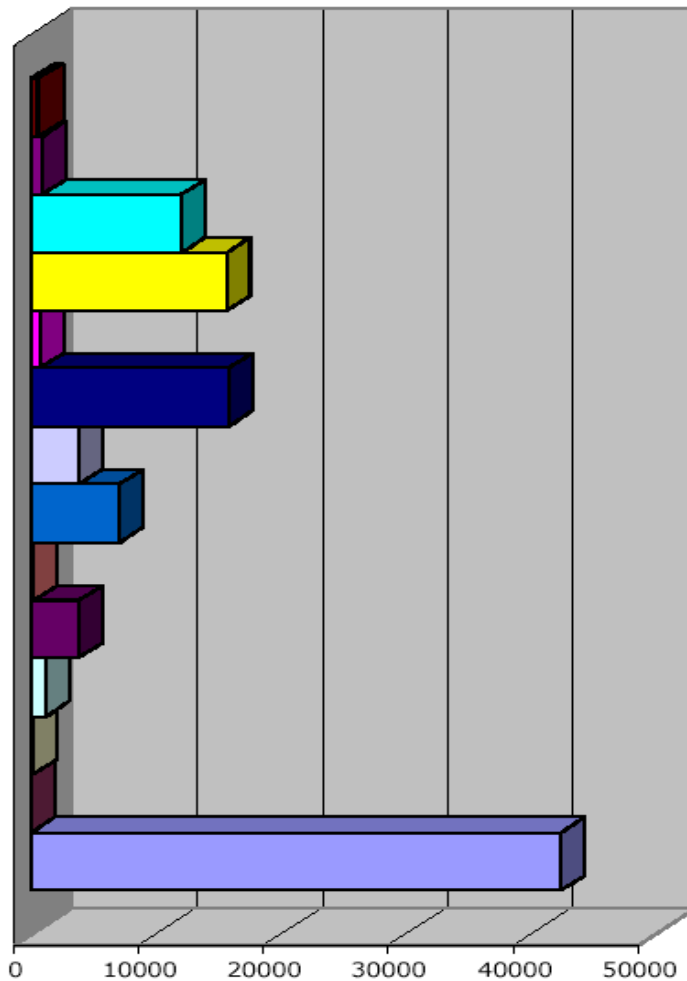
- Commission Regulation (EC) No 1891/2004 of 21 October 2004

 Member States implement and execute relevant procedures

Austrian legal framework

- EC-Regulations are directly applicable
- Austrian Product piracy Act of 2004, Federal Law Gazette I, N° 56/2004, contains:
 - Identification of Customs Office Klagenfurt Villach as competent customs authority
 - Rules of Procedure – General
 - Rules of Procedure – Opposition Procedure

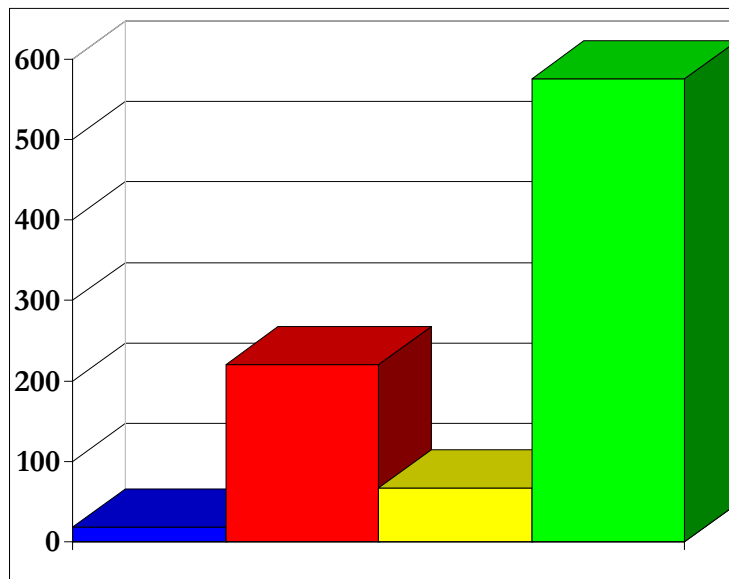
Recent Overview - Goods Seized by Customs



- Foodstuff
- Cosmetics and Perfumes
- Sportswear
- Other Clothing
- Clothing Accessories
- Shoes
- Electrical Equipment
- Computers
- CD, DVD, Audiocassettes
- Watches, Jewelry
- Games
- Miscellaneous
- Cigarettes
- Medicine

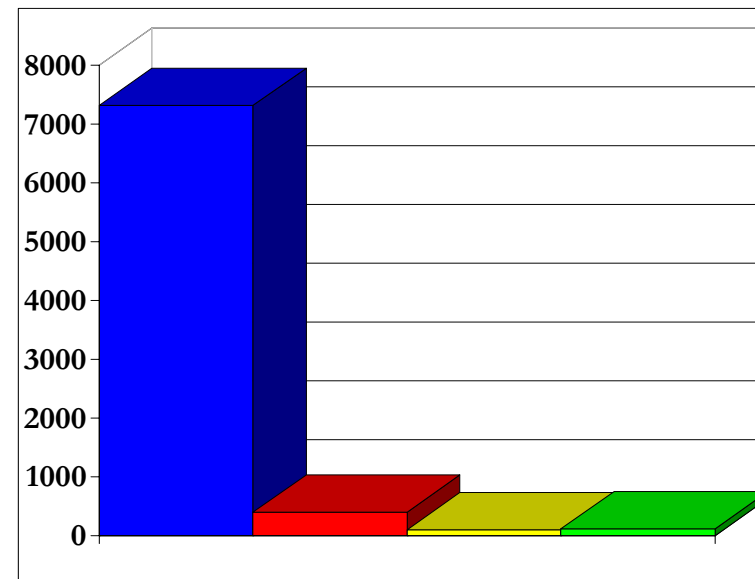
Unpublished Customs Statistics

3rd Quarter 2007



■ Shoes ■ Clothing
■ Sportswear ■ Clothing Accessories

4th Quarter 2007



■ Shoes ■ Clothing
■ Sportswear ■ Clothing Accessories

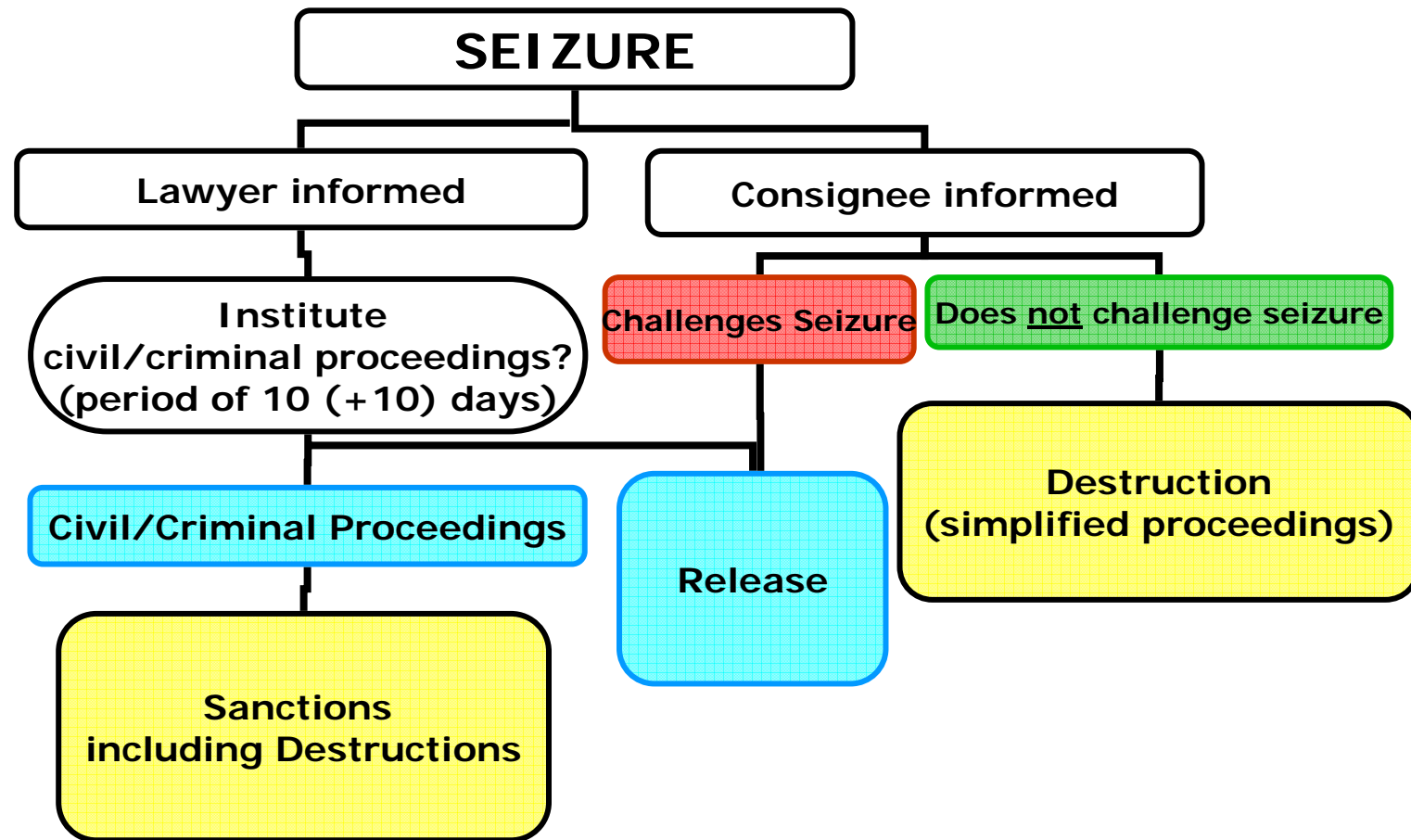
Enforcing Product Piracy laws

- ❑ Rights holder may apply for border measures
- ❑ Customs authority reviews application and rules on its admissibility
- ❑ If admissible, Customs authority informs
 - Austrian Customs Offices, in case of application for national border measures
 - Relevant Customs Offices, in case of application for community border measures (restricted to CTM, not applicable to patent or industrial design rights)

Community Application

- ❑ Contact and proof of entitlement of the rights holder
- ❑ List of member states measure is applied for
- ❑ Accurate and detailed technical description of the goods
- ❑ Any specific information the right-holder may have concerning the type or pattern of fraud;
- ❑ Name and address of the contact person appointed by the right-holder (subsidiary, lawyer, technical expert) in each member state

What happens after Seizure?



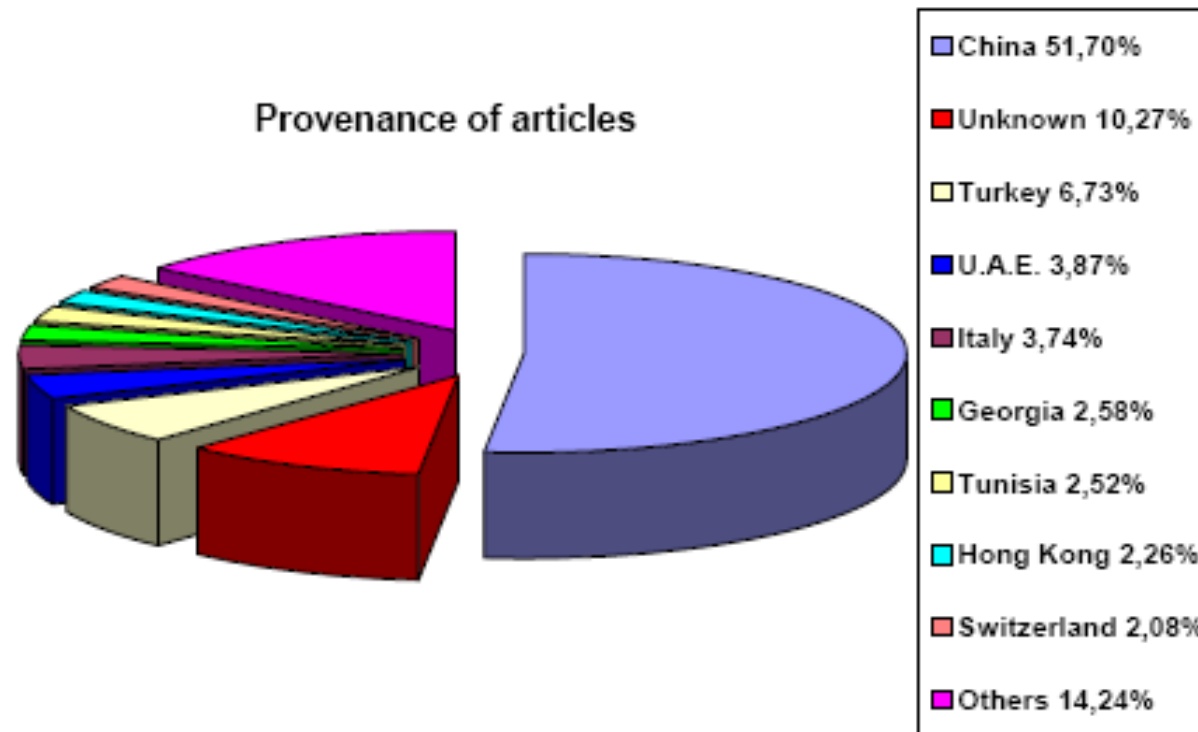
Case Study – Our Services for a Mobile Phone Producer - Austria 2007

	Seizures	Items	Fees (w/o court)	paid by Infringer
1 st Quarter	14	2.781	2.700	4.700
2 nd Quarter	1	1	650	400
3 rd Quarter	9	16	2.135	800
4 th Quarter	10	4.477	2.410	1.800
total	34	7.275	7.895 €	7.700 €
Cease & Desist Letters	34	7.275		
Court	1	222		

EU statistics



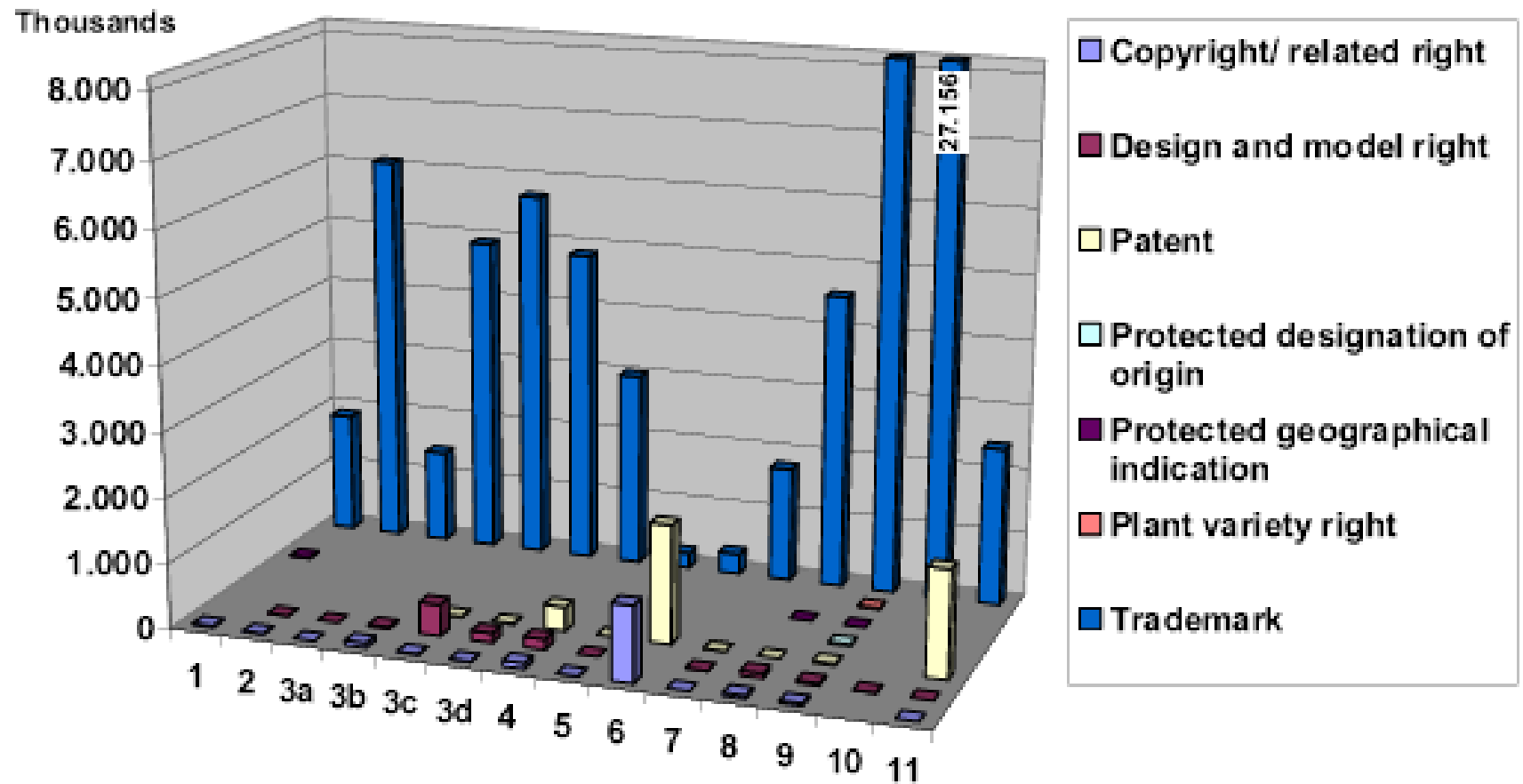
EU statistics



EU statistics

Product sector	Number of cases	% of total	Number of articles	% of total	2006-2007
1. Foodstuff, beverages	64	0,15%	1.924.896	2,43%	62%
2. Cosmetics, personal care products	1.504	3,44%	6.103.171	7,72%	264%
3. Clothing, accessories	26.670	61,07%	17.783.130	22,49%	24%
a) Sportswear	3.255	7,45%	1.441.502	1,82%	19%
b) Other clothing (ready to wear)	11.030	25,26%	5.025.682	6,36%	16%
c) Clothing accessories	6.547	14,99%	6.290.642	7,96%	29%
d) Shoes	5.837	13,37%	5.025.304	6,35%	
4. Electrical equipment	2.097	4,80%	3.648.348	4,61%	22%
5. Computer equipment	896	2,05%	246.236	0,31%	62%
6. CD, DVD, cassettes	2.502	5,73%	3.298.813	4,17%	-78%
7. Jewellery, watches	4.148	9,50%	1.787.016	2,26%	89%
8. Toys, games	744	1,70%	4.685.037	5,92%	98%
9. Other products	2.583	5,92%	8.357.699	10,57%	-37%
10. Cigarettes	418	0,96%	27.161.056	34,35%	-63%
11. Medicines	2.045	4,68%	4.081.056	5,16%	51%
Total	43.671		79.076.458		-39%

EU statistics



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The END

Thank you for your kind attention!