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Delegations will find attached, for information, the statement delivered on behalf of the EU and its Member States at the above-mentioned WIPO meeting.

17th Session of the WIPO Advisory Committee on Enforcement (ACE)

Geneva, 4 to 6 February 2025

Opening Statement

Chair,

1. The European Union and its Member States would like to thank you, your Vice-Chair and the WIPO Secretariat for preparing this session of the Advisory Committee on Enforcement. The EU and its Member States look forward to continuing the active cooperation and work under the agreed work program. We continue to strongly support the Committee's mission, which offers a unique opportunity at the international level for the exchange of information on new trends and challenges, and of practical experiences and of good practices in the fight against counterfeiting and piracy.
2. Counterfeiting continues to affect companies in many sectors such as the ones of clothing, food and drinks, pesticides, pharmaceuticals, and the creative industry. Latest figures in the EU shows that over 152 million counterfeit articles were detained in 2023, at the EU border and the EU internal market altogether, with an estimated retail value of approximately EUR 3.4 billion. Compared to 2022 data, this represents a 77 % increase in terms of counterfeit articles detained and a 68 % increase in terms of estimated overall value of the counterfeit goods detained in the EU. This shows the scale of counterfeiting activities but also the EU's ever-increasing and effective efforts to fight these illegal activities. Finally, let's not forget that counterfeiting poses significant risks to consumer safety, public health, and the environment.
3. On 19 March 2024, the European Commission has adopted a Recommendation on measures to combat counterfeiting and enhance the enforcement of intellectual property rights. This recommendation is addressed to EU Member States authorities as well as economic operators and focuses on 5 key areas.
4. A first area is to ensure a more effective cooperation, coordination and information sharing between the different key players. In that respect the recommendation includes some measures such as the designation of a single contact point for IP enforcement as well as specific measures to be undertaken by social media, transport and logistic, payment and

domain name service providers to prevent the misuse of their services for IP-infringing activities. Additionally, the Recommendation builds on the Digital Services Act by reinforcing the role of trusted flaggers in IP enforcement, encouraging platforms to priorities and act on infringement notifications from rightsholders and their representatives.

5. A second area relates to stronger IP enforcement rules, including by encouraging Member States to increase sanctions for serious IP crime and to adapt their procedures to new illegal practices, for instance by allowing the use of dynamic injunctions. The issue of appropriate damages remains an important concern in IP-infringing case and the recommendation includes measures encouraging Member States to allow rightsholders to receive damages appropriate to compensate for the actual prejudice caused. Finally, the recommendation also includes measures fostering the use of alternative resolution procedures, which will be presented more in detail during the dedicated session.
6. A third area aims at adapting IP practices to AI and virtual worlds. The recommendation includes measures to foster the use of advanced technologies, including AI systems, blockchains and content recognition technology, to enhance the traceability and detection of counterfeit and pirated products. The recommendation also aims at empowering SMEs to use advanced technologies.
7. A fourth area aims at providing small and medium-sized enterprises with tools to better protect their intangible assets, including by promoting awareness on cyber-risks and providing tools to SMEs to enhance their cyber-security and the protection of their trade secrets and know-how.
8. A fifth area relates to IP awareness activities, with a special focus on training and education of the different stakeholders. Measures include the promotion of IP awareness in national education curricula and encouraging training on IP enforcement for law-enforcement agents. This will be further presented in the course of the following days.
9. As you can see, the EU remains highly committed to fight counterfeiting activities and is willing to continue usefully contributing to the Committee's work. During this session, the EU will be glad to share with all delegates information on the recent recommendation to combat counterfeiting, in particular as regards exchange of information on national experiences on awareness-building activities and strategic campaigns among the general

public, especially the youth and the exchange of information on national experiences relating to institution arrangements concerning IP enforcement policies and regimes.

10. As WIPO is the global forum for all IP-related matters, the EU and its Member States would like to stress WIPO's important role in encouraging a coordination of Member States' efforts to combat at national and international level infringements of all IP rights more effectively.

Thank you.

Agenda item 2

Reactive statement on Ukraine

Chair, Vice-Chairs, Distinguished Heads of Delegations, Your Excellencies,

1. This month marks three years of Russia's continued full-scale invasion of Ukraine. Unprovoked and unjustified aggression against Ukraine has caused immense suffering of the Ukrainian population, destruction and considerable damage to civilian infrastructure, as well as drainage of the intellectual human capital of Ukraine. Its grave negative impact on the Ukrainian IP ecosystem has been reported by WIPO in document A/65/7. It has also affected our collective work towards strengthening IP globally, including within the WIPO Advisory Committee on Enforcement.
2. The European Union and its Member States express solidarity with Ukraine and support the sovereignty and territorial integrity of Ukraine within its internationally recognised borders. We demand Russia to immediately stop its invasion of Ukraine, withdraw its troops from the whole territory and cease all violations of international law.
3. The European Union and its Member States remain committed to seeing Russia and its leadership held fully accountable for waging a war of aggression against Ukraine and for other most serious crimes under international law, as well as for the massive amount of damage caused by its war.
4. We, therefore, welcome the decision made during the 65th series of meetings of the Assemblies of the Member States of WIPO under agenda item 18, titled 'Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System'. The EU and its Member States are looking forward to the proper implementation of this decision. We emphasize the need for WIPO's continued assistance, which is critical for the recovery and rebuilding of the Ukrainian IP ecosystem damaged by the war.
5. Chair, the EU and its Member States remain committed to working constructively during the seventeenth session of the Committee.

Thank you.

Agenda item 5 (first indent)

Exchange of information on national experiences on awareness-building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States' educational or any other priorities

Chair,

1. I am taking the floor on behalf of the EU and its Member States. The Recommendation adopted on 19 March 2024 by the European Commission on measures to combat counterfeiting and enhance the enforcement of intellectual property rights contains dedicated recommendations addressed to EU Member States, regarding the integration of intellectual property awareness into national education systems.
2. Under these recommendations, Member States are encouraged to incorporate fundamental IP concepts into their national education curricula, with a particular emphasis on higher education business studies and vocational training programs. This initiative seeks to educate students on the core concepts of IP rights, the ethical use of IP-protected materials and understanding IP infringements. By introducing these topics, the EU aims to cultivate a culture of respect for intellectual property from an early age, ensuring that future professionals are well-versed in the importance and proper handling of IP.
3. Member States are further encouraged to promote IP awareness in educational textbooks and in training materials to teacher-training institutions, and to utilize the resources of the 'Ideas Powered @ School' project managed by the European Union Intellectual Property Office (EUIPO).
4. Finally, an important aspect of the recommendations is the inclusion of evidence on the health and safety risks posed by counterfeit products. This addition aims to highlight the real-world consequences of IP infringement and emphasize the importance of respecting intellectual property rights beyond just legal considerations.

Thank you.

Agenda item 5

GRULAC proposal: The Impact of Counterfeiting on the Biotechnology Sector

Thank you Chair and thank you distinguished delegates from GRULAC.

The EU and its MS listened carefully to the proposal of GRULAC, and we recognize the importance of transparency in the biotechnology sector, but as we stated previously, we cannot accept the proposal in the current wording. Therefore, we join the statements made by Group B and CEBS.

This being said, we remain open to discussion to reach a consensus.

Thank you.
