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Subject:	16th Session of the WIPO Advisory Committee on Enforcement (ACE), Geneva, 31 January - 2 February 2024 - Final EU/Member States statements

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

WIPO Advisory Committee on Enforcement (ACE)

16th Session

Geneva, 31 January – 2 February 2024

Opening Statement by the EU

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. According to the most recent sectoral study published by the Observatory on Infringements of IP Rights of the European Union Intellectual Property Office (EUIPO), the clothing, cosmetics and toy industries suffered losses between 5 and 8% of their total sales between 2018 and 2021, resulting in a loss of employment between 3 600 and 160 000 jobs, depending on the sector. Therefore, it is clear that counterfeiting continues to be a grave issue, especially for the manufacturing industries, which undermines the economy and product safety. Conversely, the effective protection and enforcement of intellectual property is pivotal in supporting companies' development and success, as recent data shows that startups that possess a patent and a trademark during their early growth stages are ten times more likely to successfully secure funding. In addition, a 2023 EUIPO study on online copyright infringement has found that digital piracy increased by 3.3% in 2022, with TV content being the most pirated type of content in the EU, accounting for nearly half of all piracy.

3. Against this background, the exchanges taking place among WIPO Member States and Observers within this Committee are particularly valuable for the EU and its Member States. These exchanges have also provided rich inspiration for developing the EU Toolbox Against Counterfeiting. This Delegation is therefore pleased to report that the Toolbox will be adopted in the coming months, and it will reinforce the EU's, and in particular the Member States', capacity to protect the European Union's Market from counterfeiting, online and offline.
4. The Toolbox will be a Commission Recommendation that will be addressed to Member States and economic operators, and it seeks to involve all relevant actors, including enforcement authorities. The Recommendation focuses on five main areas: (i) Enhancing cooperation, information sharing and transparency in the fight against counterfeiting; (ii) Empowering SMEs with resources through the SME Fund managed by the EUIPO and a Cybertheft Toolkit; (iii) Encouraging harmonisation of criminal IPR sanctions and procedures to deter organised crime groups; (iv) Embracing advanced technologies to track and trace counterfeiting both online and offline; and finally, (v) Fostering IP awareness through education and training across all relevant sectors.
5. The EU is highly committed to usefully contributing to the Committee's work, and we are looking forward to the exchange of information on national experiences related to institutional arrangements concerning IP enforcement policies and regimes. In this regard, this Delegation is pleased that this session of the Committee will feature contributions from France, Portugal and the EUIPO. During this session, the EU will be glad to share with all delegates information on the implementation of one of its recent initiatives in the fight against piracy, namely the Recommendation on combating online piracy of sports and other live events, adopted by the European Commission on 4 May 2023.
6. Indeed, during the meeting you will hear a presentation by EUIPO's Observatory on Infringements of IP Rights about the Recommendation and the efforts that are being done in the European Union by its Members States, online intermediaries and right holders to fight the unauthorised retransmission of live events. In this context, a dedicated network of national authorities has been launched to exchange information on experiences, challenges and good practices in this area.
7. The EU has also contributed to the ACE Cinema Club with 4 videos produced by the EUIPO. Two videos concern an awareness-raising project named 'Fight Fake', which was

implemented during fashion events in Greece and Spain in 2019 and 2023, respectively. In another video you will hear two racing drivers talking about the dangers of counterfeit automotive spare parts. The 4th video concerns the EUIPO Spring 2022 campaign which focused on the perceptions and behaviours of young people across the EU regarding IPR infringement. Slovenia will also contribute to ACE Cinema, with a short animated video, prepared as a part of the anti-counterfeiting campaign effort, intended for younger audiences. The video was financially supported by the EUIPO.

8. Furthermore, the EU and its Member States welcome that the agenda also addresses the fight against counterfeiting in the physical environment in a balanced manner, by looking at consumer attitudes and behaviour in relation to counterfeit goods.
9. We also welcome the specific agenda item on the role of new technologies in IP enforcement. We are convinced that taking full advantage of the possibilities brought by novel and emerging technologies and most notably artificial intelligence, could be a game changer in the fight against trafficking counterfeit goods, in particular in view of its potential to identify and differentiate fake products from authentic ones. We are also convinced that discussing issues of localisation of IP infringements in virtual environments, such as the Metaverse, will prove to be highly beneficial, as these technologies are likely to gain influence in the coming years.
10. Finally, this Delegation is particularly pleased that WIPO had been able to continue its efforts in providing legal and technical assistance to its Member States.
11. 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.

WIPO Advisory Committee on Enforcement (ACE)
16th Session
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Statement of the delegation of Belgium,
on behalf of the European Union and its Member States
in support of Ukraine

1. The European Union and its Member States express solidarity with Ukraine and support the sovereignty and the territorial integrity of Ukraine within its internationally recognised borders.
2. We demand on Russia to immediately stop its unprovoked and unjustified war of aggression against Ukraine and cease all violations of international law. Russia must instantly and completely withdraw its troops from the whole territory of Ukraine and fully respect Ukraine's territorial integrity, sovereignty and independence within its internationally recognised borders.
3. The EU and its Member states recognize the importance of WIPO's Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System. We therefore welcome the decision of the 64th series of meetings of the Assemblies of the Member States of WIPO to continue these activities, working towards a prompt and efficient recovery process of the Ukrainian IP ecosystem.

WIPO Advisory Committee on Enforcement (ACE)
16th Session
Geneva, 31 January – 2 February 2024
Closing Statement by the EU and its Member States

Chair,

1. On behalf of the European Union and its Member States, we would like to thank you and your Vice-Chairs for moderating the rich and constructive discussions we had during this 16th Session of the WIPO Advisory Committee on Enforcement. We would like to thank again the WIPO Secretariat for the preparation of the working documents and all its work during the session. Our gratitude also goes to the interpreters for their excellent assistance throughout the meeting.
2. We were interested to learn about all the projects and initiatives presented during this session, and would like to congratulate the delegates and speakers on their contributions. As we stated in our opening statement, the European Union and its Member States believe that the valuable work of this Committee is crucial to enable exchange of best practices between the WIPO Member States, learning from each other's experience.
3. We welcome the intention to continue the work in this Committee under a well-balanced work programme, in a positive and collaborative spirit. We look forward to continuing discussions on education and awareness raising initiatives at the next session, not only to sensitize the society on the negative consequences of infringements of IPR, but also to demonstrate how to promote easy access to legal content and genuine products. We believe that measures that support small and medium enterprises in their efforts to combat counterfeiting and piracy should remain in the focus of this Committee's work. The discussions on the use of new technologies and role of intermediaries in IP enforcement was particularly interesting, and we would appreciate continuing it in the future.
4. The European Union and its Member States will continue to support the work of this Committee and look forward to further fruitful cooperation.

Thank you.