



Intellectual
Property
Office

David Lowe, Head of Intelligence, UK Intellectual Property Office

**UK Initiatives against Illegal
Online Businesses
Copenhagen 22nd June, 2016**

Objectives

- Set out the principal objectives of our IPO enforcement strategy
- What do we do, who does it and how?
- Focus on the methods of intervention and the principles behind them, roles and responsibilities
- What structures and processes do we need?
- Consider next steps



How are the threats expressed through online IP infringement?

- Digital copying breaching copyright – music, film, books, games, software.
- Online market places – worldwide access to counterfeit products in individual through to bulk orders – any product, anywhere - new venues and ways of selling
- Links in to other criminality, especially fraud, product safety, misleading consumers, smuggling and organised crime.
- Rarely able to deal with controlling beneficiary – national jurisdiction in a borderless world.



Government IP Crime Strategy 2001

- UK – a good place to do business by protecting marketplaces and providing a strong platform for growth
- UK – unattractive to criminals seeking to be involved in IP crime
- Protecting consumers
 - Prevent and deter
 - Disrupt trade across the supply chain
 - Reduce incentives for IP crime (confiscation of criminal assets)

Action plan on tackling counterfeiting and criminal piracy online

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Government IP Enforcement Strategy 2020

- UK businesses including small businesses, are more confident in operating internationally as a result of better IP protection globally
- Rights owners and rights users have access to proportionate and effective mechanisms to resolve disputes and tackle IP infringement
- Consumers and users are educated to the benefits of respecting IP rights – and do so



What were/are the key challenges?

- Learning how it all works on the Internet across the supply chain, legal and illegal
- Develop and understand what sort of interventions are effective and capable of being delivered
- Building the structures and processes that deliver and measure progress
- Adapt to changing technology and behaviour
- Establish proofs of process
- Engage across the range of stakeholders and partners



What have the key stages been?

- Understanding the online environment
- Key court decisions – civil and criminal
- Intense work by rights holders, trade bodies
- Harvesting knowledge from intervention activity – analysis and interpretation
- Creation of dedicated Police and Trading Standards online units
- Commitment to intelligence sharing across agencies and sectors
- Leadership and co-ordination



What is possible and who does it?

- Action by rights holders
- Working with intermediaries, facilitators and enablers

ISPs, Payment Service Providers, Domain Registrars, Search Engines, Selling platforms, Advertising Industry.

Company formation, accountants, transport,
Money flows

- Action by the State
- Developing the legal and policy frameworks
- Pro-actively dealing with change



Rights Holders

- Web page removal – shows intent to protect IP and establishes ISPs responsibility
- Roll over effect on selling platforms
- Section 97A – Site blocking order – civil court process with some important consequences and influences
- Provision of evidence to support intervention taken by law enforcement
- Development of consumer awareness campaigns and information
- Availability of legal content
- Direct contact with infringers
- Private criminal prosecution



Section 97A – Site Blocking Order

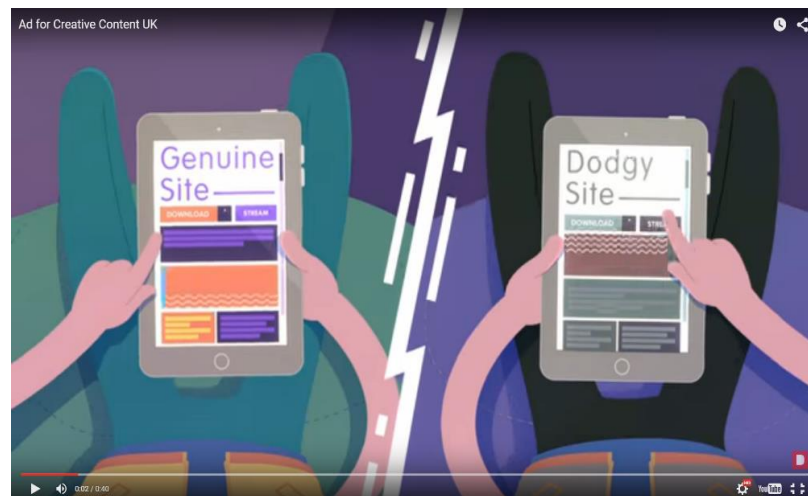
- Reinforces principles of what constitutes ‘infringement ‘
- (there must be an infringement for a criminal case)
- 4 requirements –
 - ISP is service provider
 - Users/operators of website infringe copyright – by way of 1 or more of 3 methods – Communication to the public, Authorisation, Joint liability
 - Users/operators use the services of ISP to infringe
 - ISPs have actual knowledge of that
- Also provides some informed comment on what constitutes
 - Seriously infringing website
 - Proportionality of intervention
 - Harm to rights holder
- Principle extended to TM infringing websites




Creative Content

UK launch new ad campaign highlighting the consequences of downloading illegal content

- £3.5 million Government-backed education initiative to help safeguard the future of the UK's creative industries
- The **Get It Right From A Genuine Site** advertising campaign encourages consumers to reduce online copyright infringement
- Adopting a fresh approach to tackling piracy, aiming to inspire consumers to see themselves as “investors” in a creative process that, with their full support, delivers more content
- Initiative between content creators and ISPs including Motion Picture Association the British Recorded Music Industry, BT and Sky Broadband



Action by the State

- Law enforcement – prevent as well as detect. Dedicated police and Trading Standards Units
 - Where able to – pursue prosecution of criminal offenders
 - Obligation to prevent through intermediaries
 - Payment service providers – good leverage through money laundering regulations
 - Domain removal – credible relationship with registrar. Objective is to make the UK domain fake free
 - Willing to take responsibility for identifying seriously infringing websites where it is proportionate to seek reduction in advertising
 - Level of evidence set high – to standard that if offender was within their jurisdiction, coercive action would be taken. Evidence sourced from private sector then other evidence from law enforcement.
 - In source countries – IP Attaches – UK access to authorities and high profile platforms like Ali Baba
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Guangzhou Always Win Sportswear Co., Ltd.

 Chat Now!



Business Type:	Manufacturer, Trading Company
Location:	Guangdong, China (Mainland)
Main Products:	soccer jersey,soccer polo,soccer jacket,s raining uniform,soccer socks
Total Employees:	51 - 100 People
Total Annual Revenue:	US\$1 Million - US\$2.5 Million
Year Established:	2016

Guangzhou Always Win Sportswear Co.,Ltd set up in 2005,is a professional manufacturer and exporter f...



Ministerial and other Specialised Groups

- Advertising
- Payment Service providers
- Search Engines
- Transport intermediaries (with EUIPO)
- Social media platforms as marketplaces



Legal framework

- Understanding the evidence requirements and having the capability of securing it.
- Access to Intellectual Property Enterprise Court
- Using fraud offences and focus on criminal conduct as well as commodity breach
- Review sentence for online infringement
- New Design criminal offence



Challenges

- Law enforcement will focus on the most seriously infringing sites and offenders using a proportionality test for their intervention. What about sites that are still infringing but do not meet their criteria?
- Can we move the gatekeeping role from the police to properly trained and credible industry bodies?
- Can we move some of the interventions into a regulatory environment?
- How can we work across borders to common standards whilst respecting national processes?
- What do we do about new technology and behaviours?



Thank you for your time and attention

- It appears I have ended up asking more questions than providing answers!
- But we are making progress.....
- Dave.lowe@ipo.gov.uk

