

Promoting Intellectual
Property Rights in the
ASEAN Region



Session 7: Transnational Law Enforcement Cooperation, Joint Operations, and Assistance

Erling Vestergaard, Manila, 24-25 April 2019



Funded by the European Union



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Index

- Europol: The EU Law Enforcement Agency
- Eurojust: The European Union's Judicial Cooperation Unit
- OLAF: European Customs Cooperation
- Interpol: The International Criminal Police Organization
- International Judicial Cooperation
- Case Example: Invertu Case

Europol: The EU Law Enforcement Agency



Mission

As the EU law enforcement Agency, Europol supports its Member States in preventing and combating all forms of international serious crime and terrorism.

Europol: The EU Law Enforcement Agency



Vision

To contribute to a safer Europe by providing the best possible support to law enforcement authorities in the Member States.

Europol: The EU Law Enforcement Agency



Europol will achieve this by delivering a unique set of operational services and become...

EU support centre
for operations



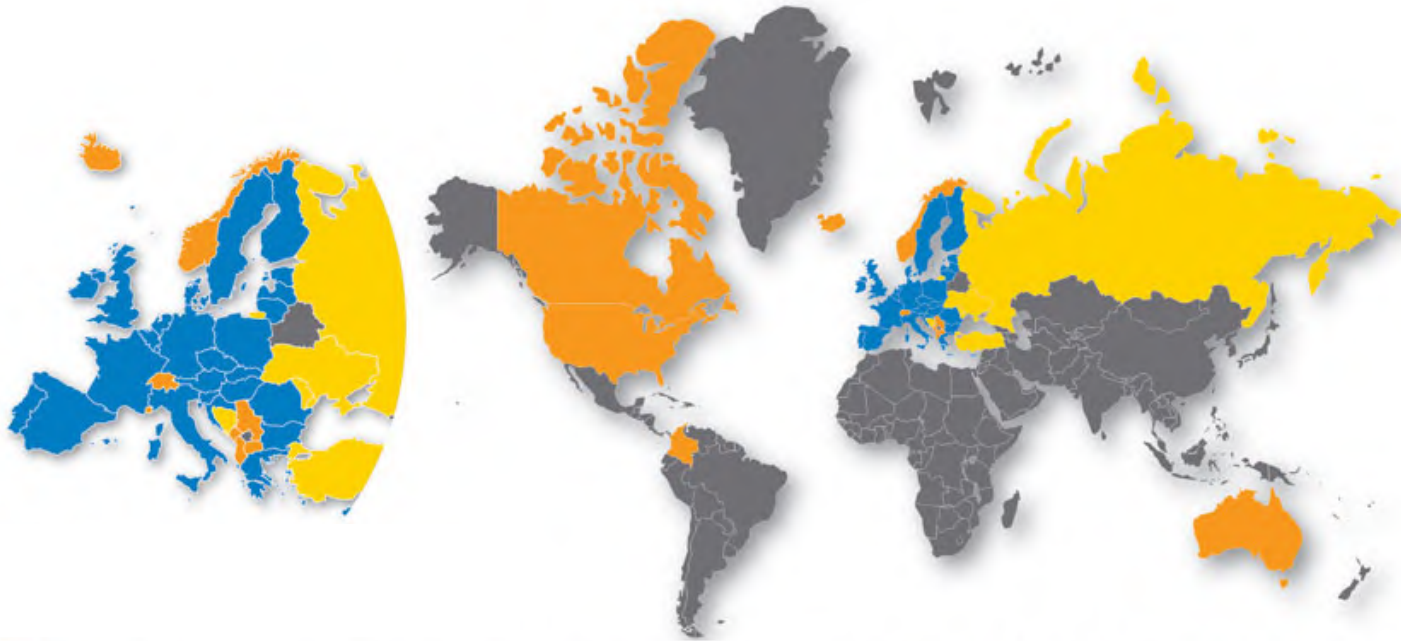
EU criminal
information hub



EU centre of
expertise



Modern, efficient
organisation



- Police
- Customs
- Gendarmerie
- Financial Police
- Tax and Revenue
- Border Guard
- Coast Guard
- Immigration
- Security Services

Europol: The EU Law Enforcement Agency

Support centre for law enforcement operations

- ❑ 28 Analysis Projects (former Focal Points), divided in 2 Analysis Work Files
- ❑ Operational meetings and analysis reports
- ❑ Operational support on the spot (Mobile office and UFED)
- ❑ Operational support from Europol Headquarters (analysis and financing informants)



Operational and technical support

provide operational and technical support to the competent authorities

Facilitate and coordinate

facilitate and coordinate cross-border investigations

Monitor and report

monitor and report online crime trends and emerging modi operandi

Harmonisation and standardisation

enhance the harmonization and standardization of legal instruments and operating procedures to counter intellectual property crime globally

Raise awareness and train

Reach out to the public and law enforcement by raising awareness and providing training on this specific field of expertise



5
analysts

9
experts

2
funded by
EUIPO

3
funded by
EUIPO

 **EUROPOL**
IPC³ ■ Intellectual Property
Crime Coordinated Coalition

01

Intelligence
Sharing and
Analysis

02

Operational
and Forensic
Support

05

Outreach
and
Awareness

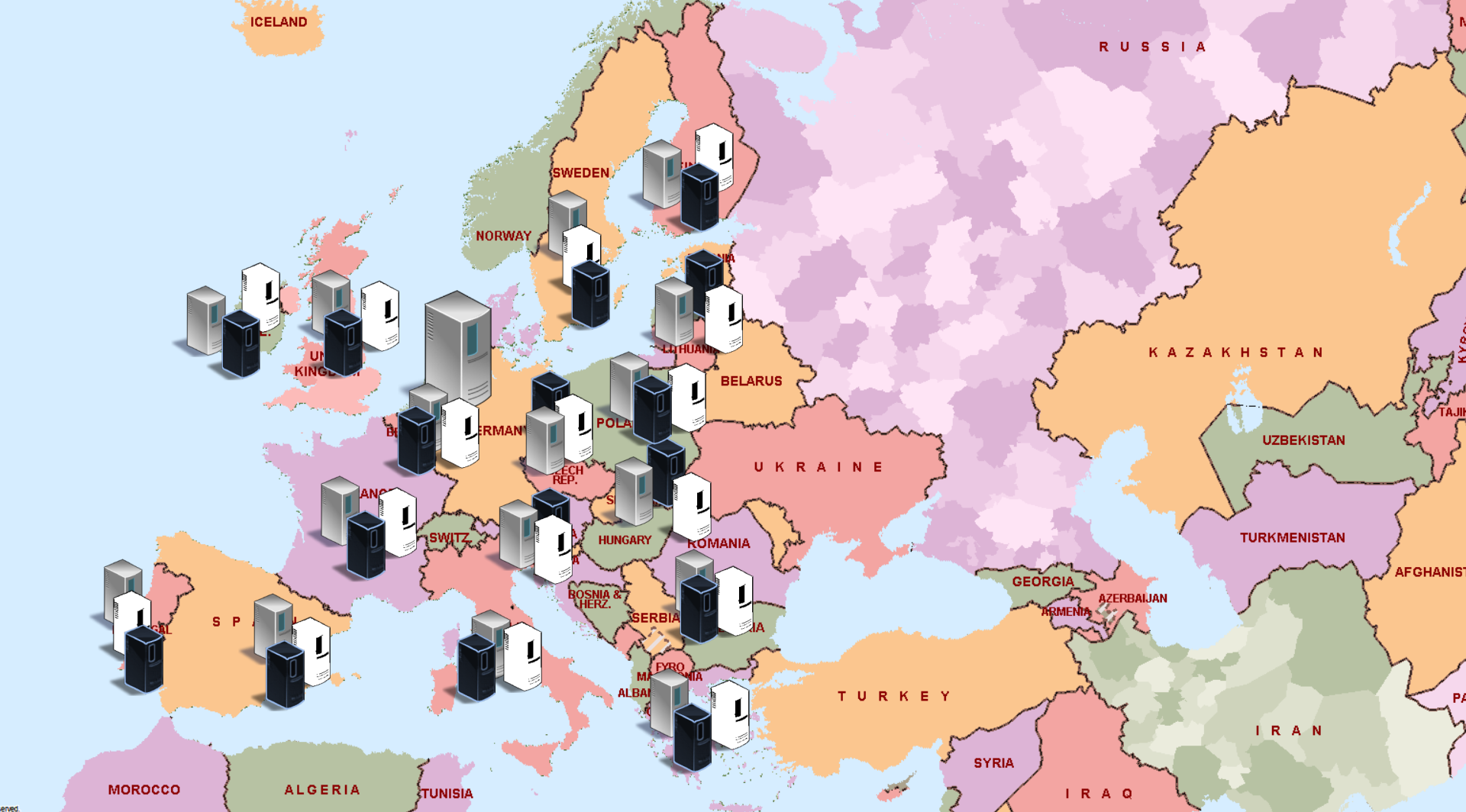
04

Training
and Support
to LEAs

03

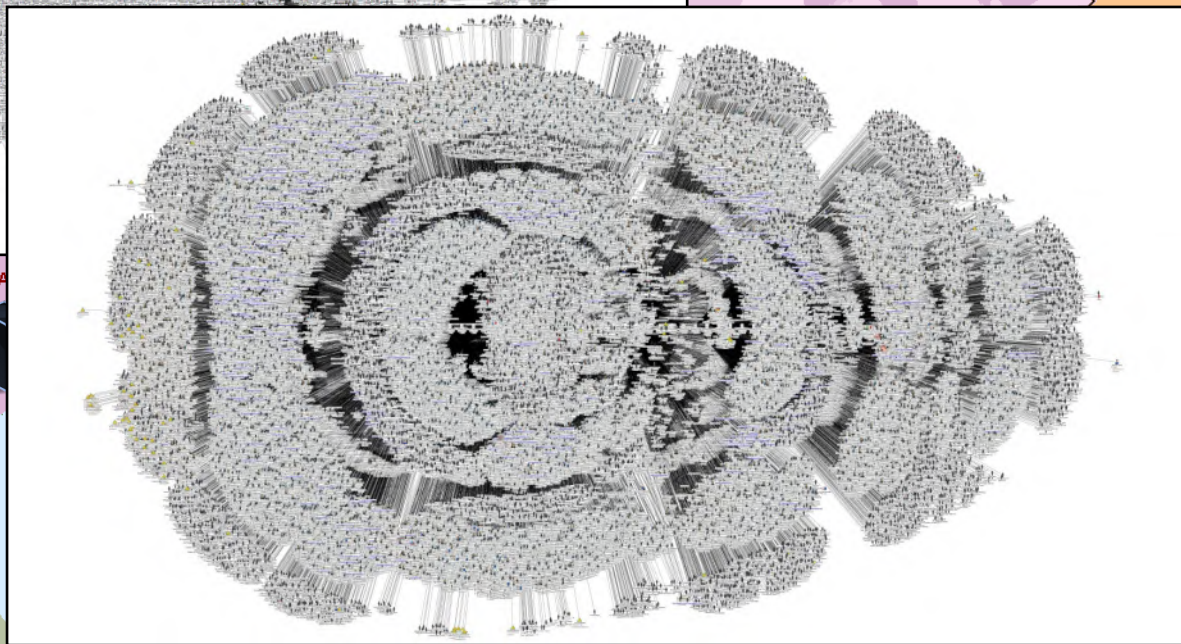
Increasing
Strategic
Knowledge





ICELAND

RUSSIA



TAN

ZBEKISTAN

KMENISTAN

AFGHANISTAN

IRAN

IRAQ



SP

MOROCCO

ALGERIA

TUNISIA

INTEL PROP ON T

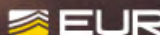
Intellectual Prop
right without the
describe a range
Most counterfeit
the authorisation
protected by cop
Organised Crime

WHY IP CRIM

Criminal activity in
to the consumer he
are not only associ
pharmaceutical pro
dangerous electron
affects the environ
contain toxic subst
water and food. La
the legitimate econ
revenues of the aff
volume and job los

ONLINE TRA

Illicit goods and ser
sold online. Online
web and Darknet, a
a wide range of illic
firearms, malware,
(CSEM), counterfeit
Those of a more se
typically placed des
further criminality



IPC³ • Intell
Crime Coord



OP OP

TARGETING

DE



2017 Situation Report on Counterfeiting and Piracy in the European Union

A joint project between Europol and the European Union Intellectual Property Office



Eurojust: The European Union's Judicial Cooperation Unit

Eurojust: The European Union's Judicial Cooperation Unit

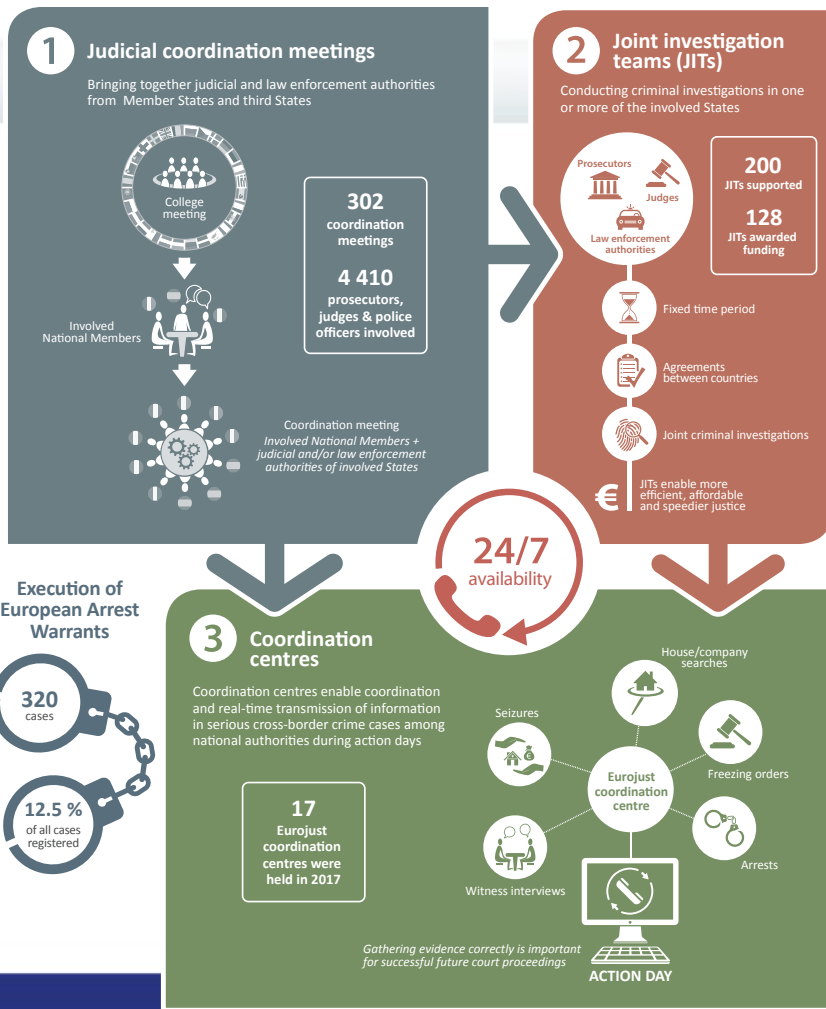
Eurojust fights serious and organised cross-border crime at judicial level:

- ▶ Terrorism
- ▶ Cybercrime
- ▶ Illegal immigrant smuggling
- ▶ Drug trafficking
- ▶ Trafficking in human beings
- ▶ Counterfeiting
- ▶ Money laundering
- ▶ Online child abuse
- ▶ Fraud, corruption and crime against property or public goods
- ▶ Environmental crime
- ▶ Organised crime groups

Eurojust at work in 2017

Eurojust's core business is to assist EU Member States' competent authorities in dealing with serious cross-border organised crime





1. Judicial Coordination Meetings
2. Joint Investigative Teams (JITs)
3. Coordination Centres

Eurojust: The European Union's Judicial Cooperation Unit

EU MEMBER STATES
TAKING PART IN
THE EIO *



■ EIO implemented ■ MS not taking part

EIO: European Investigation Order

Eurojust: The European Union's Judicial Cooperation Unit

HOW IT WORKS



Examples of investigative measures:

- ▶ Obtaining existing evidence
- ▶ Hearings of witnesses and suspects
- ▶ (House) searches
- ▶ Checks on bank accounts/financial operations
- ▶ Interception of telecommunications
- ▶ Temporary transfer of persons in custody
- ▶ Preservation of evidence

KEY FEATURES

- ▶ EU Directive on the EIO (2014/41) of 3 April 2014
- ▶ Mutual recognition of judicial decisions
- ▶ Replaces Letters of Request for investigative measures
- ▶ Deadline for transposition: 22 May 2017
- ▶ Obtains evidence located in another EU Member State
- ▶ Simplifies and accelerates cross-border criminal investigations

Eurojust: The European Union's Judicial Cooperation Unit

ADVANTAGES OF THE EIO

- ✓ Creates a single comprehensive instrument with a large scope
- ✓ Sets strict deadlines for gathering the evidence requested
- ✓ Limits the reasons for refusing such requests
- ✓ Reduces paperwork by introducing a single standard form
- ✓ Protects the fundamental rights of the defence

Eurojust: The European Union's Judicial Cooperation Unit

LIFE CYCLE OF AN EIO



OLAF: European Customs Cooperation



**making rules, providing tools,
cooperating with third countries**

European Commission



European Commission

EUROPEAN ANTI-FRAUD OFFICE

coordinating mutual assistance and investigations

OLAF: European Customs Cooperation



the 27 Customs of the EU



**Council of the
European Union**

**the «Customs Cooperation Working Party»:
operational cooperation among national
customs to increase enforcement capabilities**

OLAF: European Customs Cooperation

- **CCWP project group against internet crime (C@IC)**

- share best practices
- setting up **cybercrime investigation units in Customs**
- Knowledge building
- **JOINT CUSTOMS OPERATIONS** on illicit trade online



«POSTBOX» (2016)

- major post/couriers identified
- senders' location: China, The Netherlands and India top 3
- most seizure for IPR infringement (then: medicines, drugs and excisable goods)

«POSTBOX 2» (2019)

OLAF: European Customs Cooperation

- ### CUSTOMS



European Commission

EUROPEAN ANTI-FRAUD OFFICE

Coordinating customs mutual assistance and investigations within the European Union and with countries outside the EU based on Customs Mutual Assistance Agreements (~80 countries);

Coordinating Joint Customs Operations, also in the frame of ASEM

- **JCOs DIABOLO I+II 2007 + 2010 (cigarettes and counterfeit goods)**
- **JCO REPLICA 2014 (counterfeit goods)**
- **JCO RENEGADE 2017 (counterfeit goods)**

OLAF: European Customs Cooperation



European Commission

EUROPEAN ANTI-FRAUD OFFICE

Burs role Major seizure of counterfeit goods by Dubai
18/02/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

OLAF helps counterfeits OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
12/07/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

Real-time intelligence OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
03/07/2017
PRESS RELEASE
[PDF](#) [PDF version](#)

Conviction contraband OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
22/10/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

Operation Silver OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
11/07/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

Anti-Fraud Office OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
27/03/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

pesticides. Numerous countries participate OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
31/07/2017
PRESS RELEASE
[PDF](#) [PDF version](#)

Border agency OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
27/03/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

Control of individuals to prevent a major tobacco fraud OLAF helps Member States seize 140 million cigarettes, detain 32 smugglers
27/03/2018
PRESS RELEASE
[PDF](#) [PDF version](#)

When smuggled cigarettes find their way into the black market, they cause losses to the European Union (EU) and to national budgets. The European Anti-Fraud Office (OLAF) and its partners fight hard to stop smuggling at the EU doorstep, while working to dismantle the criminal networks benefitting from the illegal trade. In just three months, the combined efforts of OLAF and Member States led to the seizure of 140 million so-called cheap whites in six countries and the subsequent arrest of 32 people. OLAF played different roles in the operations, often bringing about the big picture and tying the knots between services and pieces of intelligence.

Interpol: The International Criminal Police Organization



INTERPOL



GLOBAL POLICING CAPABILITIES

THREE CRIME PROGRAMMES

194 MEMBER COUNTRIES CONNECTED THROUGH A SECURE NETWORK



INTERPOL'S CRIME PROGRAMMES



We provide a range of policing expertise and capabilities to our member countries, supporting three main crime programmes:

COUNTER-TERRORISM

Assisting member countries to prevent and disrupt terrorist activities through the identification of individuals, networks and affiliates.

ORGANIZED AND EMERGING CRIME

Targeting and disrupting international criminal networks; identifying, analysing and responding to criminal threats.

CYBERCRIME

Making cyberspace safe for all by supporting member countries to prevent and investigate cyberattacks.

International Judicial Cooperation

International Judicial Cooperation

Legal framework

- ☐ Bilateral agreements
- ☐ Plurilateral agreements
- ☐ International agreements
 - COE 1959 Treaty
 - UN 2000 Organized crime convention
 - COE 2001 Cybercrime convention

Principles

- ☐ Fundamental rights
- ☐ Reciprocity
- ☐ Double criminality
- ☐ National execution

Tools

- ☐ Extradition
- ☐ Exchange of evidence
- ☐ Interviews
- ☐ Serving of papers



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THANK YOU

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