



ევროკავშირი
საქართველოსთვის
Project funded by the European Union



ENFORCEMENT PRACTICES AND LEGAL AMENDMENTS

Kenneth Wright | Ambassadori Kachreti Golf
Resort | 5th April 2022

EU Georgia project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

www.eugipp.eu

AGENDA – ADMINISTRATIVE AND CRIMINAL ENFORCEMENT

1. Objective.
2. TRIPS.
3. Best Practice.
4. Conclusion.

AGENDA – ADMINISTRATIVE AND CRIMINAL ENFORCEMENT

1. Objective.
2. TRIPS.
3. Best Practice.
4. Conclusion.

OBJECTIVE

To review administrative and criminal enforcement of intellectual property rights in the European Union.

AGENDA – ADMINISTRATIVE AND CRIMINAL ENFORCEMENT

1. Objective.
2. **TRIPS.**
3. Best Practice.
4. Conclusion.

TRIPS

Article 61.

Members shall provide for criminal procedures and penalties to be applied at least in cases of wilful trademark counterfeiting or copyright piracy on a commercial scale. Remedies available shall include imprisonment and/or monetary fines sufficient to provide a deterrent, consistently with the level of penalties applied for crimes of a corresponding gravity. In appropriate cases, remedies available shall also include the seizure, forfeiture and destruction of the infringing goods and of any materials and implements the predominant use of which has been in the commission of the offence. Members may provide for criminal procedures and penalties to be applied in other cases of infringement of intellectual property rights, in particular where they are committed wilfully and on a commercial scale.

AGENDA – ADMINISTRATIVE AND CRIMINAL ENFORCEMENT

1. Objective.
2. TRIPS.
- 3. Best Practice.**
4. Conclusion.

Best Practice

- Political Will.



Best Practice

IPR-intensive industries: contribution to economic performance and employment in the European Union

A joint study between the Office for Harmonization in the Internal Market and the European Patent Office

September 2013



OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET
PROTECTOR MARKS AND SERVICES



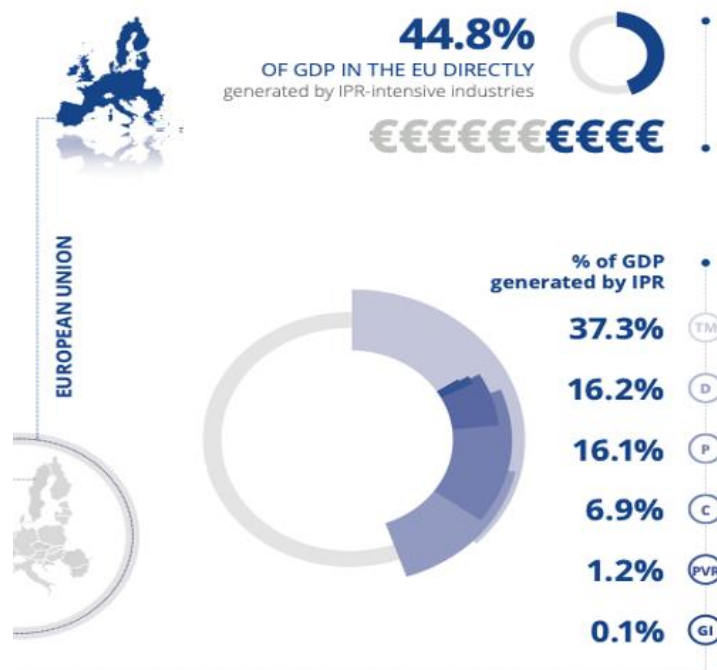
IPR-intensive industries and economic performance in the European Union

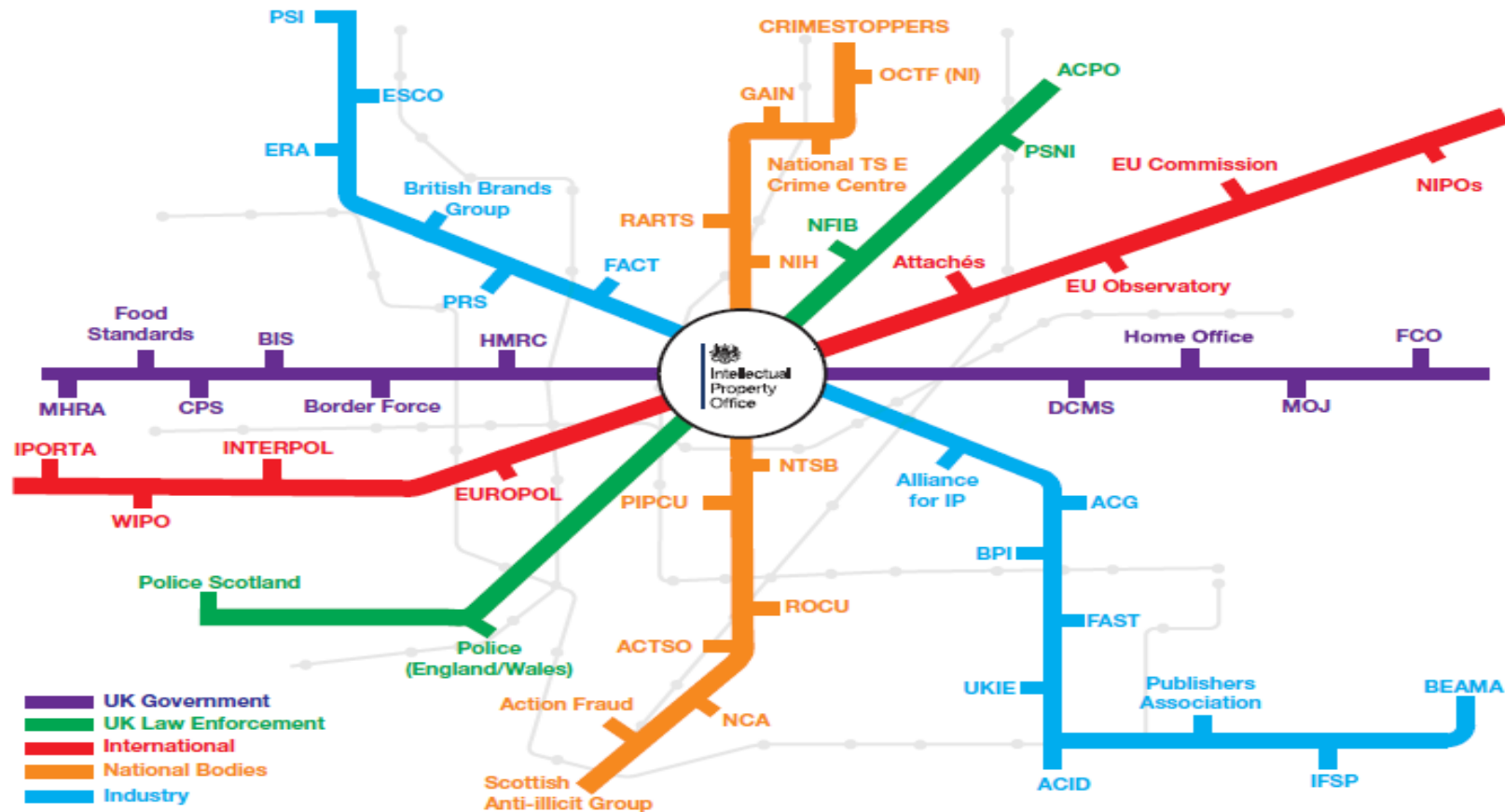
Industry-Level Analysis Report, September 2019
Third edition

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



Best Practice





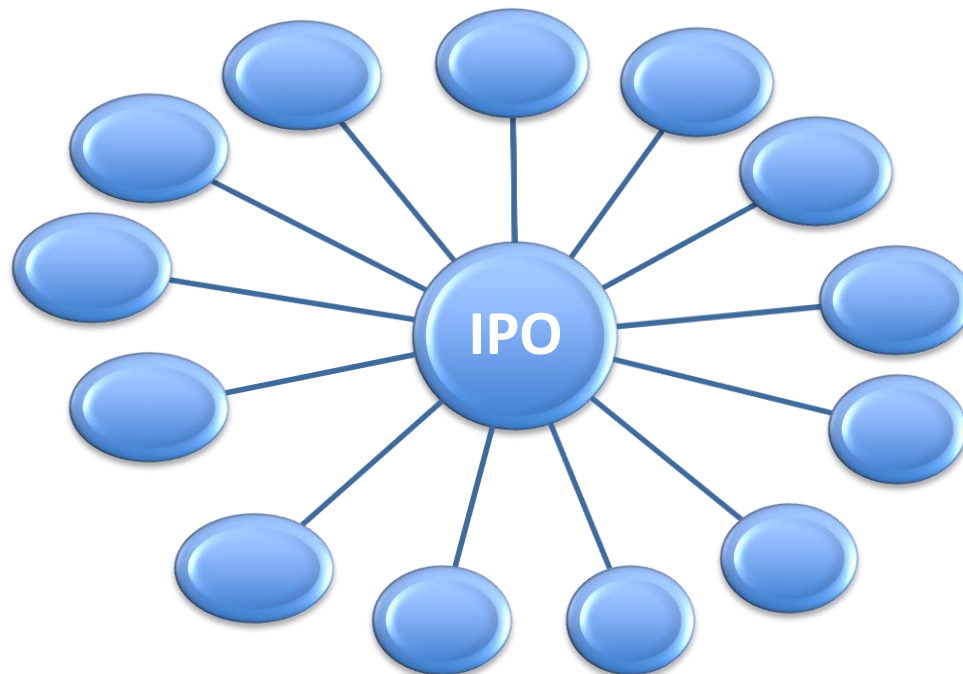
Best Practice

Resources

Duplication

Effectiveness

Best Practice



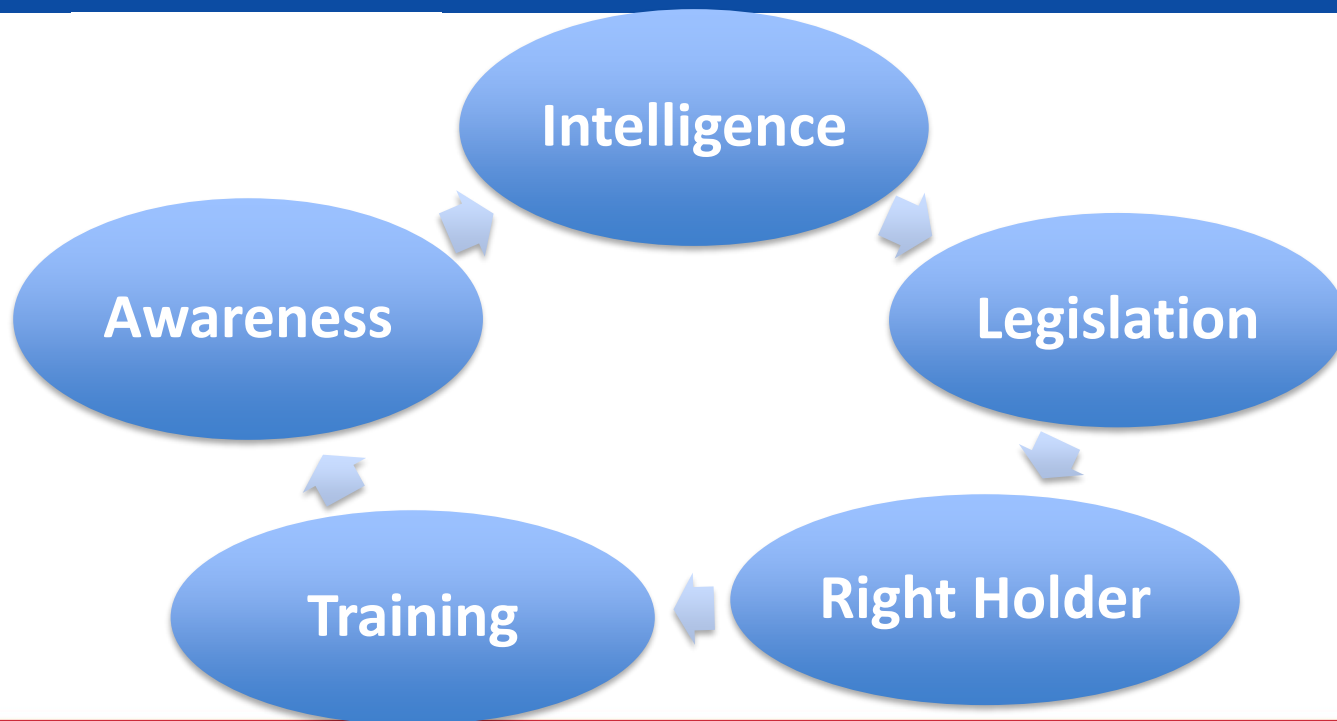
Best Practice

Political Level

Strategic Level

Tactical Level

Best Practice



Best Practice

Complaint v Ex-Officio

Best Practice



Best Practice



Best Practice



[illegible]

Best Practice



Best Practice



Best Practice



Best Practice



Best Practice

Recital 14 of the EU Directive on civil enforcement of IPR states “...Acts carried out on a commercial scale are those carried out for direct or indirect economic or commercial advantage...”.

AGENDA – ADMINISTRATIVE AND CRIMINAL ENFORCEMENT

1. Objective.
2. TRIPS.
3. Best Practice.
4. Conclusion.

Conclusion

- Political Will.
- Cooperation.
- Ex-officio.
- Intelligence databases.
- Move up supply chain.
- Assets.
- Deterrent sentencing.



ევროკავშირი
საქართველოსთვის
Project funded by the European Union



EUGIPP

EU Georgia Intellectual Property Project

THANK YOU

EU Georgia project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

www.eugipp.eu