



ევროკავშირი  
საქართველოსთვის  
The European Union for Georgia



# IP ENFORCEMENT FORUM

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[www.eugipp.eu](http://www.eugipp.eu)

## AGENDA

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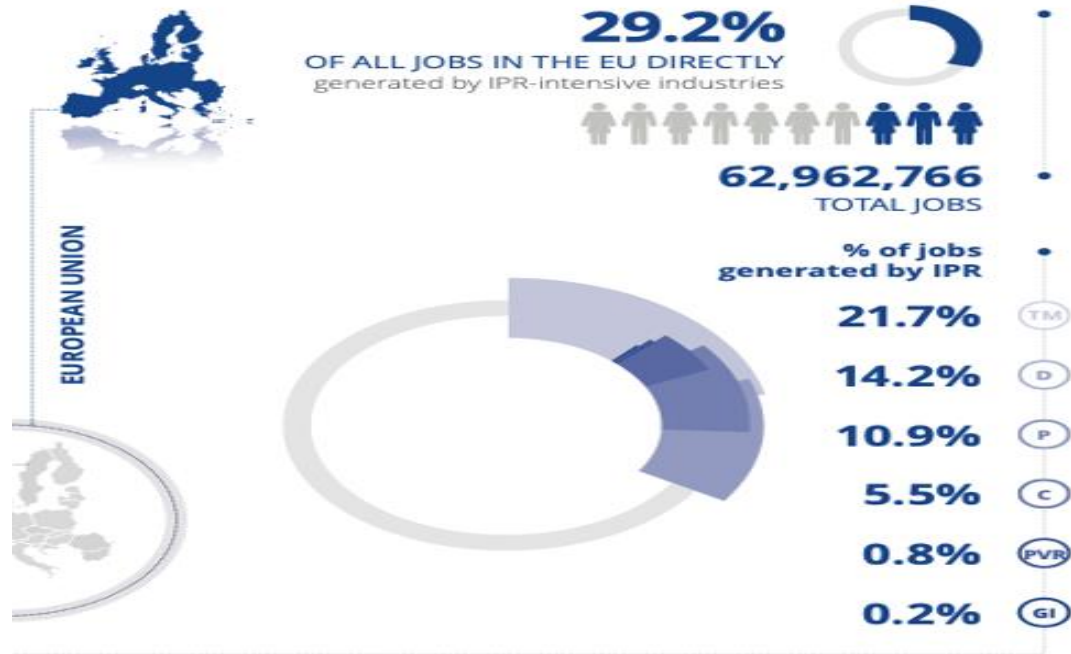
1. IPR Infringements - A Law Enforcement Priority?
2. EUGIPP IPR Enforcement Activity.
3. Comparative Analysis between EU and Georgian IPR Enforcement Legislation.
4. Comparative Analysis between EU Best Practice and Georgian IPR Enforcement System.
5. Practical Problems and IPR Enforcement Guides.

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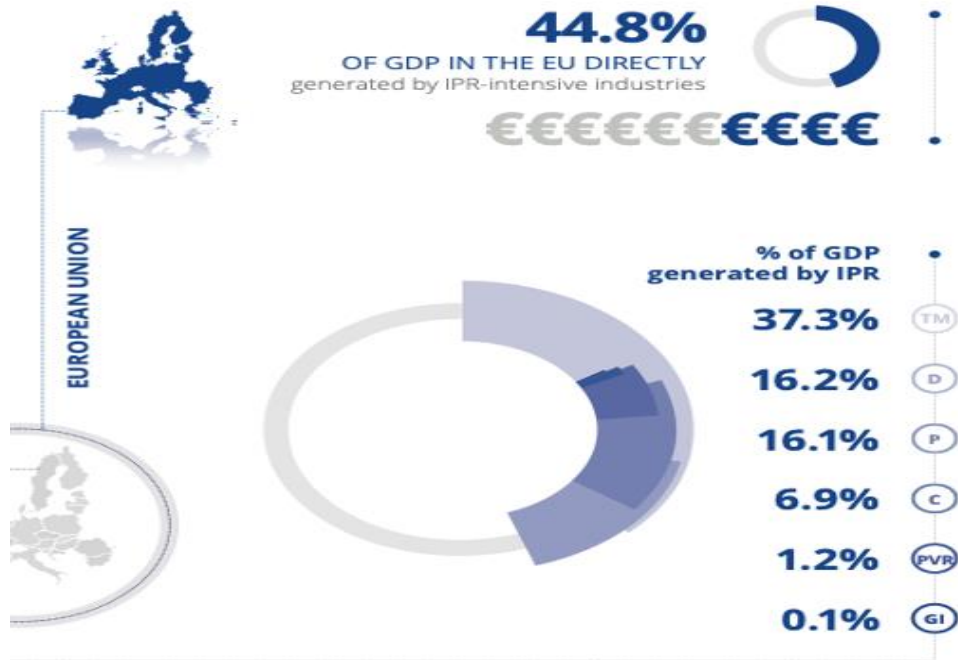
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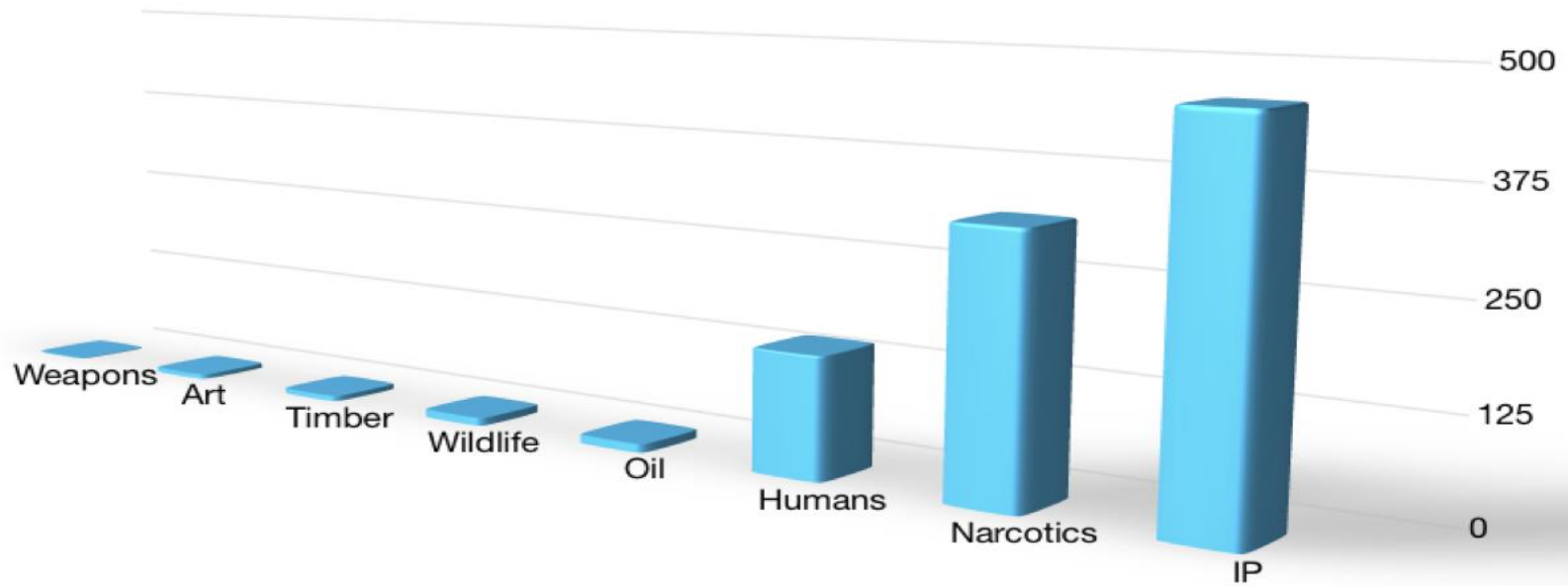
## IPR Infringements – A Law Enforcement Priority?



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## IPR Infringements – A Law Enforcement Priority?

- EU Council of Ministers - May 2021 - EU's Fight against Organised Crime.
- Top Ten Priorities for 2022 to 2025.
- Intellectual Property Crime included...



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1. IPR Infringements - A Law Enforcement Priority?
2. **EUGIPP IPR Enforcement Activity.**
3. Comparative Analysis between EU and Georgian IPR Enforcement Legislation.
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## EUGIPP IPR Enforcement Activity

- **Overview of Georgian IPR Enforcement System.**
- **Comparative Analysis between EU and Georgian IPR Enforcement Legislation.**
- **Comparative Analysis between EU Best Practice and Georgian IPR Enforcement System.**
- **Draft Legislation.**
- **IPR Enforcement Guides.**

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## Comparative Analysis between EU and Georgian IPR Enforcement Legislation

- Border Enforcement of IPR.
- Civil Enforcement of IPR.
- Criminal Enforcement of IPR.
- Online Enforcement of IPR.
- Administrative Enforcement of IPR.

## Comparative Analysis between EU and Georgian IPR Enforcement Legislation

### Border Enforcement of IPR.

- Small Consignment Procedure.
- Goods in Transit.

### Civil Enforcement of IPR.

- Right to Information.
- Corrective measures.

## Comparative Analysis between EU and Georgian IPR Enforcement Legislation

### Online Enforcement of IPR.

- Liability of Intermediary Service Providers.
- Injunctions against Intermediaries.

### Criminal Enforcement of IPR.

- Threshold v Commercial Scale.
- Deterrent Sentences.

## Comparative Analysis between EU and Georgian IPR Enforcement Legislation

### Administrative Enforcement of IPR.

- Right to Information.
- Deterrent Sentences.

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## Comparative Analysis between EU Best Practice and Georgian IPR Enforcement System

- Political Will to Enforce IPR – Studies and Reports.
- Dedicated IPR Enforcement Units.
- Enhanced / Covert Investigation Techniques - Asset Recovery.
- Voluntary Collaborative Practices.
- National IPR Enforcement Strategy.

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## Practical Problems and IPR Enforcement Guides

- No use of Ex-officio power.
- No deadlines/Protect the deadlines.
- No acceptance of IPR owner's conclusion as evidence.
- No covert investigative actions.
- No specialization of Investigators, Prosecutors and Judges.
- Difficulties to prove intention.
- Difficulties to calculate damage.
- Meaning of "Other illegal use" and "Entering into civil Turnover".
- No mechanism to block only unauthorized online products.

## Practical Problems and IPR Enforcement Guides

- Common practice in European countries, USA and Canada.
- Best tool to deal with IPR enforcement.
- Are not intended to change the law/to Impose new obligations.
- Guides/SoP's for:
  - Customs Department – Border Enforcement.
  - Tax Monitoring Department – Administrative Enforcement.
  - Investigators and Prosecutors – Criminal Enforcement.



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