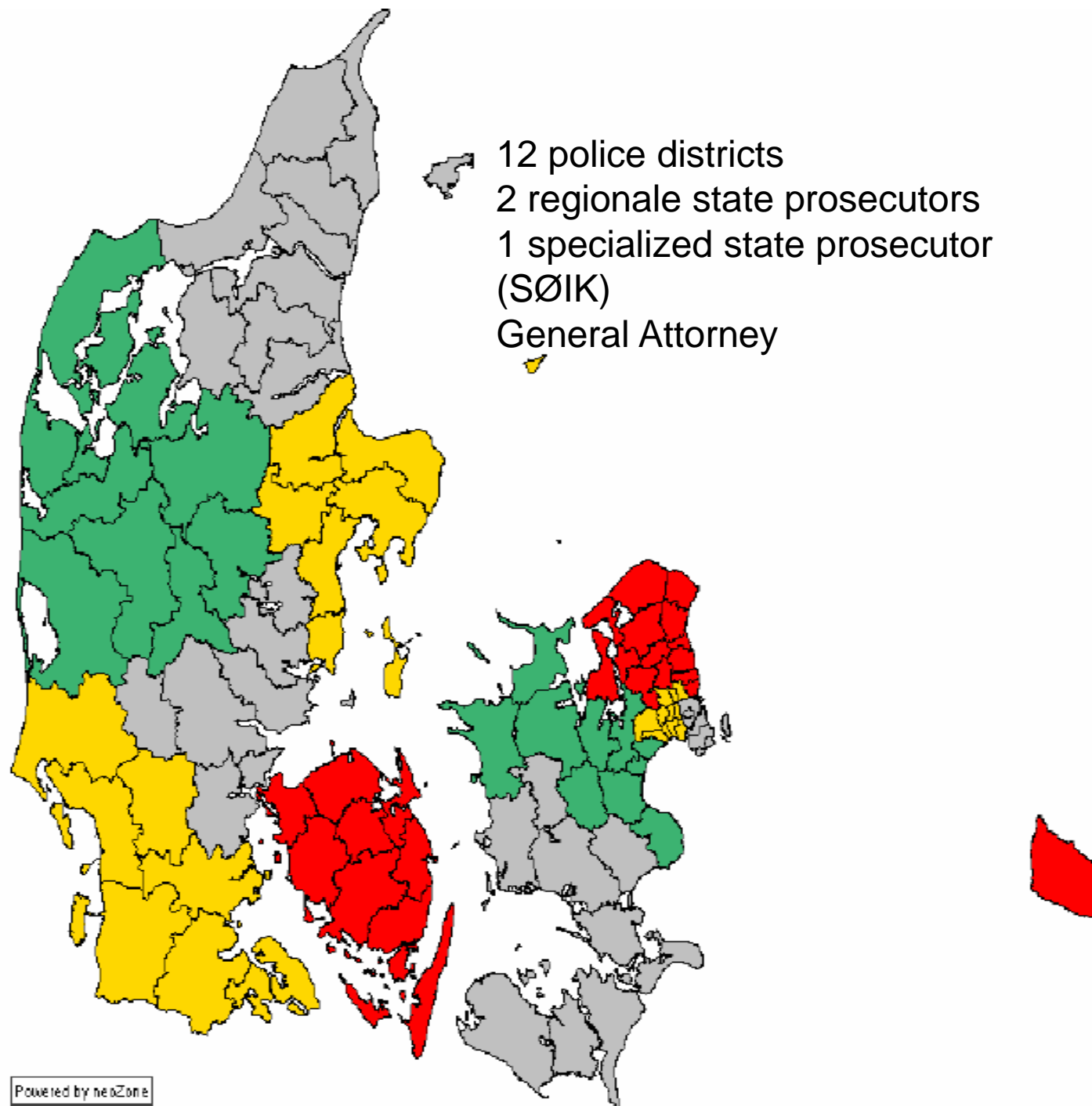


The Danish IPR Unit

Centralizing IPR criminal enforcement



Special Prosecutor,
judicial head of
department
Dorte Frandsen





A national specialized unit

National exclusive competence in IPR criminal cases since November 2017

The composition of the unit:

- police officer, investigators, it-investigator, analytics, administrative, prosecutors, legal interns

Two monthly meetings handling files of applications and the daily operation

- quick view of the case
- initial OSINT and court orders

One location – close, day-to-day cooperation



Dialogue meetings

Representatives for the right holders:

Dansk Industri, Dansk Erhverv, Rettighedsalliancen,
Dansk Anti-Counterfeit Group, E-mærket, Producentforeningen,
Nordic Content Protection

- positive feedback

Meetings twice a year

Format:

- status
- around the table





Cooperation and capacity building

- Authorities
 - network and bilateral Rettighedshaverne
 - generelt og konkret
 - EUROPOL - IOS
 - Cross Nordic IPR prosecutors
 - knowledge exchange
 - EUIPO
 - knowledge building seminars, networking
-



Advantages – mostly

Initial identification of the case

- complex mixture of criminal/civil case, technical leads, proof of infringement, right to file and prosecute

Specialized staff

- international cooperation and training

Development of the specialized areas

Planning resources

National

- house searches and court meeting across country
- cooperation with local police districts





Relevant areas

Copyright

file sharing, streaming, classic design furnitures

Trademarks

counterfeits – flea markets, web sites,

Design

in-ear, lingerie

Patent

rarely criminal procedures

The radio and television act

cardsharing and television subscriptions



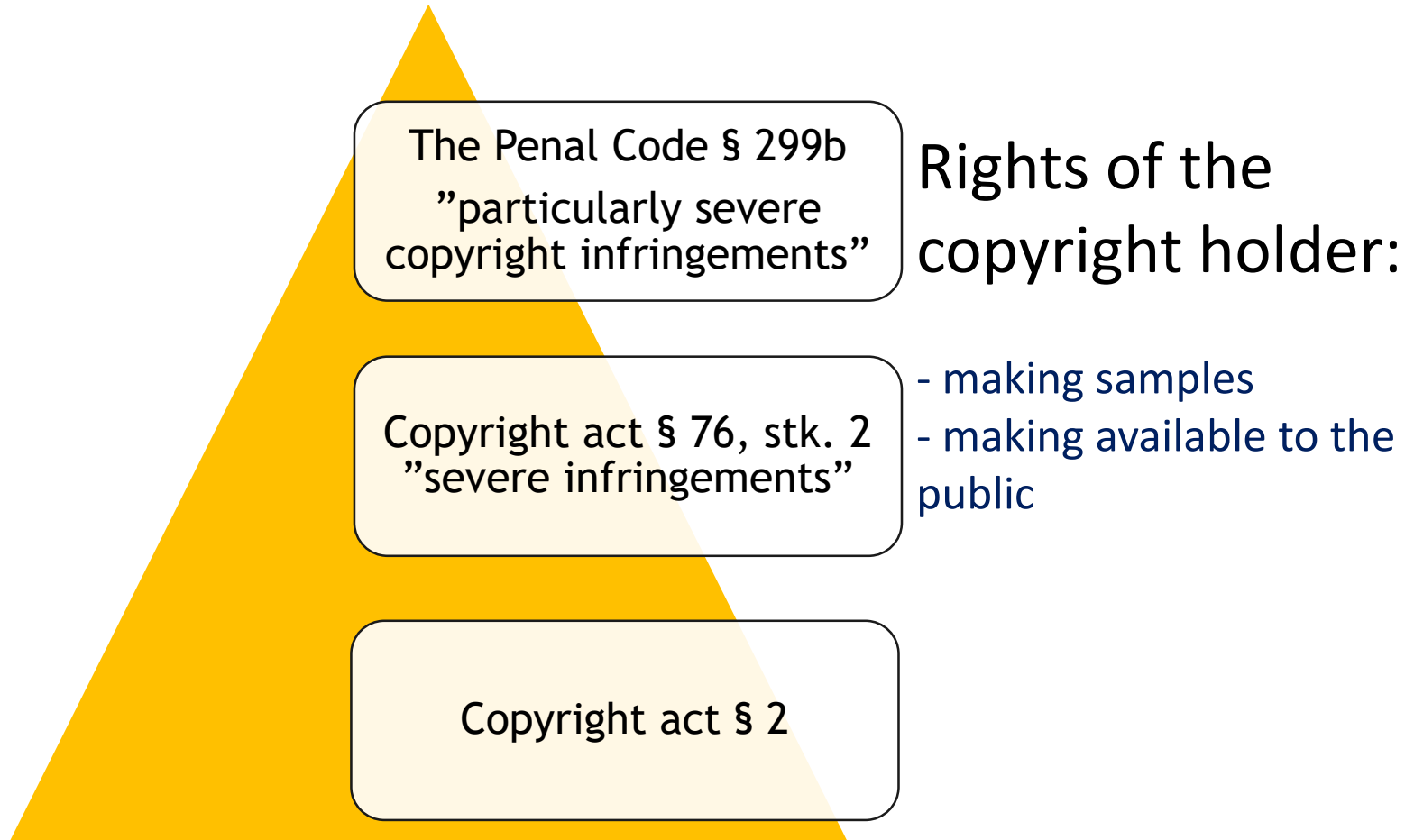


Enforcement of IPR in Denmark

- Civil rights' system
 - Custom authorities at outer EU borders
 - Administrative enforcement by health authorities, foodstuff authorities etc.
 - Criminal liability enforcement
-



The structure of penalty provisions in IPR-crimes





Cases brought in front of the court

Cases concluded:

From January 2018 to June 2021:

- 60 judgements

Pending cases:

14 scheduled 2020 (3 in high Court)
6 awaiting court schedule





Examples of concrete cases

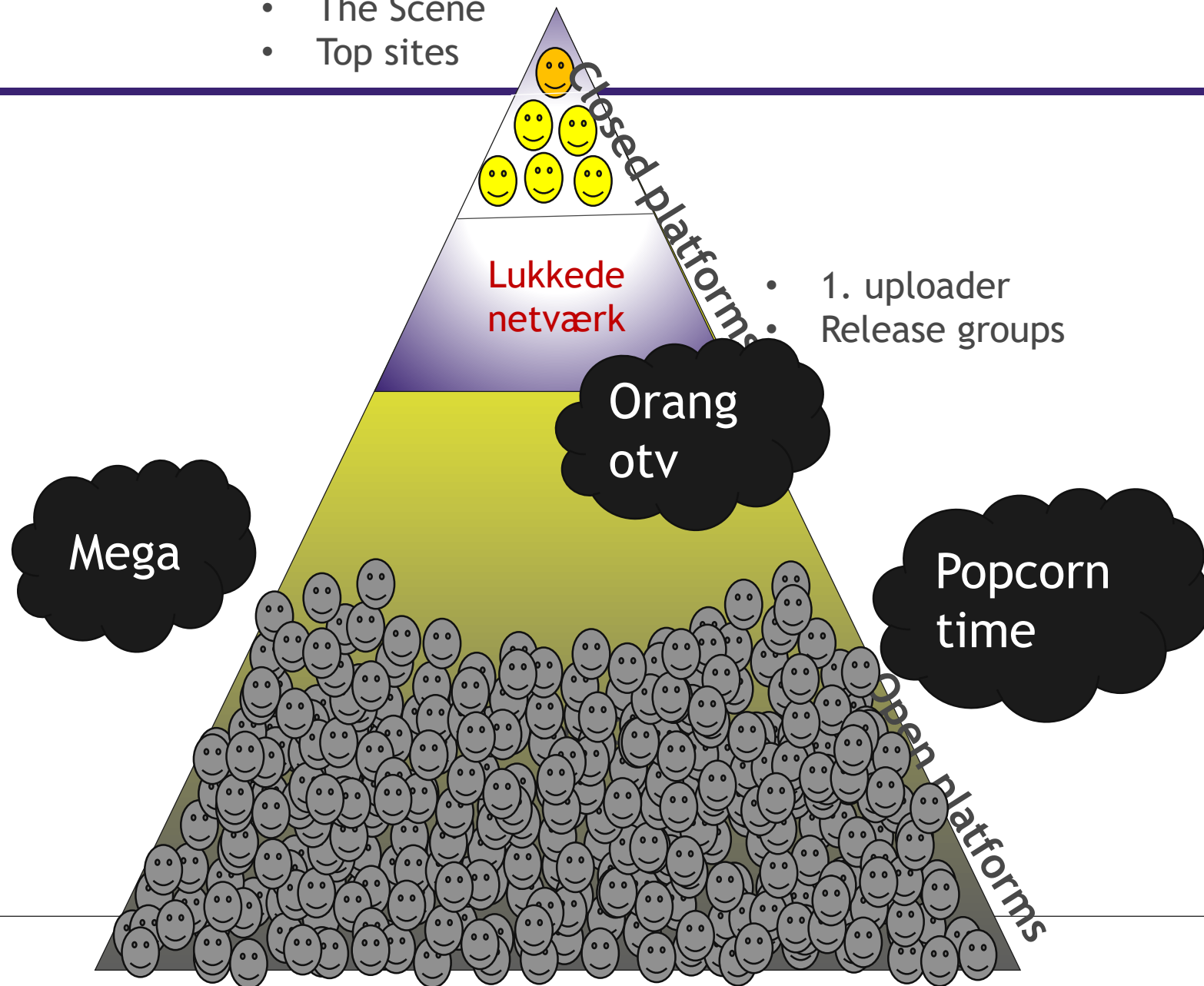
File sharing cases

- large, closed networks with thousand of users
- streaming of the latest movie theater movies
- Focus on anonymity





- The Scene
- Top sites





Popcorn Time

Popcorn time.dk

- illustration of the website popcorn time.dk
- three court instances
- the indictment, contributory, confiscation of the proceeds





The DanishBits case



- **File of application from the Danish Right Owner's Association in 2017**
 - **30.000+ users**
 - **70.000+ films**
 - **2011-2020**
 - **Earning of 350.000 EURO**
- **Subject identified in 2019 – living in Morocco**
- **Imprisoned in Morocco in 2020 and exchanged in 2021**
- **Judgement in April 2021**
 - **1 year, 3 months unconditional**
 - **120 civil service**
 - **Damages 33.000 EUR**
 - **Confiscation 33.000 EUR**



Digital books

Digital books for students

- the preventive effect
- Focus on press releases
- Follow the money





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Side 16





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Side 17

The PH lamp case

- The “Arne Jacobsen” lamps - rights owned by Louis Poulsen A/S
- Disclosed in airport by customs - import from China
- Private collector
- A “light” investigation
 - no search for documents or store facilities
 - shows need for supervision and coordination





- the PH lamp case

- Contended originals
- Statement of the right holders
- The court's request for physical evidence
 - ❖ no expert witnesses
 - ❖ Cooperation with the right holders





PH-lampe sag





Other cases

- **Trademark cases**
 - From flea markets to sale on Facebook and Instagram
 - Revealing large storage houses
- **Design cases**
 - Challenges – proving the intent
 - Apple in-ear – fining companies



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Side 21

Destruction of infringing goods





STATSADVOKATEN

FOR SÆRLIG ØKONOMISK OG
INTERNATIONAL KRIMINALITET

Questions

