

CONFERENCE
**Industrial Property rights in the internal
market**

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GOVERNMENT AIM

Strengthening the IPRs enforcement system at national, European and international level is an aim to create a knowledge market where all the participants operate sharing rules governing the transactions of intangibles and relying upon the will and capacity of public institutions to enforce IPRs



IPR PROTECTION: A STRATEGY TO HAVE A BALANCE BETWEEN RULES AND COMPETITION

- **Industrial Property as new “Wealth of Nations”**
- **Rules as tools shared and accepted that put all actors in the same conditions**
- **Competition as a drive behind the economy able to produce a growth of the system in terms of value that cannot be identified with prices decrease only**



To combat counterfeiting

**HAVING IN MIND THE TWO MARKET
ELEMENTS :**

OFFER and DEMAND

THE LAST ONE PLAYS ALSO AN IMPORTANT ROLE

MEASURES CONCEIVED AND IMPLEMENTED

- **New IP Code**
- **Creation of 12 specialized courts sections for industrial and intellectual property rights**
- **Institution of an High Commissioner on counterfeiting fight replaced now with a National Council Anti-Counterfeiting**
- **Encouraging the SME's to participate on the IP system**
- **Network of 19 IP helpdesk located in markets sensitive for Italian enterprises (China, Taiwan, India, Vietnam, Republic of Korea, Turkey, EAU, Russian Federation, Brazil, USA)**
- **Bilateral Cooperation Agreements**
- **Creation of a multimedia data base (FALSTAFF), to support customs in their interventions when goods are suspected of infringing intellectual property rights.**
- **Advertising campaign towards the large public**
- **IP training and awareness in the primary and secondary school**



NEW IP CODE

- Improvement of the damage calculations for IPR holders, according to the provisions of the directive 2004/48/CE
- seizure of counterfeited goods with the preservation of two samples of goods infringing the law (to be used in the criminal procedures) while the stocks of counterfeit products must be immediately destroyed with a simplified procedure within 90 days in order to take them away from the market and to cut down the storage costs, as well.
- Introduction of an institution to combat counterfeiting and piracy (formerly High Commissioner now National Council Anti-Counterfeiting)
- Introduction of an administrative sanction that provides for fines up to €10,000 for the acquisition or acceptance of counterfeited goods
The minimum amount is now reduced down to 100 € in order to allow the regular and large application by the Local Police



SPECIALIZED IP SECTIONS AT COURTS

- Simplification of jurisdictional procedures and precautionary measures to improve the justice efficiency and effectiveness (more than 70% of the cases).
- Reduction of the time of justice in the civil cases regarding the intellectual property rights infringements.



The National Council Anti-Counterfeiting

- Coordination of supervision functions in the field of IPRs infringement
- Monitoring prevention activities carried out by the Italian police forces and customs
- Studies and proposals on the legislation combating c&p
- Planning and promotion of information and awareness campaigns aimed at enterprises and consumers
- Exchange of information and experience with the judges
- Exchange of information and experience with industry to monitoring the evolution of c&p phenomena
- Assistance to the private sector suffering counterfeiting



Encouraging the SME's to participate on the IP system and protect regularly their innovation

Two concrete initiatives

- **Evaluation and valuation of intellectual property assets**
To allow evaluation and valuation of intellectual property assets, in order to maximize the exploitation of intangibles, UIBM successfully concluded a project to develop a patent valuation methodology jointly adopted with Banks, Industry and Universities. Now UIBM has the responsibility for implementing a National Innovation Fund aiming to finance innovative projects based on patents (60 mln €).
- **“Filo Diretto”** is an initiative of the Ministry of economic development that consists in a continuous telephonic assistance from 8.30 a.m. to 17.30 p.m. for those (citizens, enterprises..) that have any problem with counterfeit goods



“Filo Diretto”

www.sviluppoeconomico.gov.it

telephon number 0039 06 4705 5437

LOTTA ALLA
CONTRAFFAZIONE

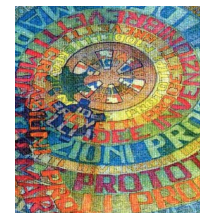
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FILO DIRETTO
al servizio delle
imprese e dei
consumatori

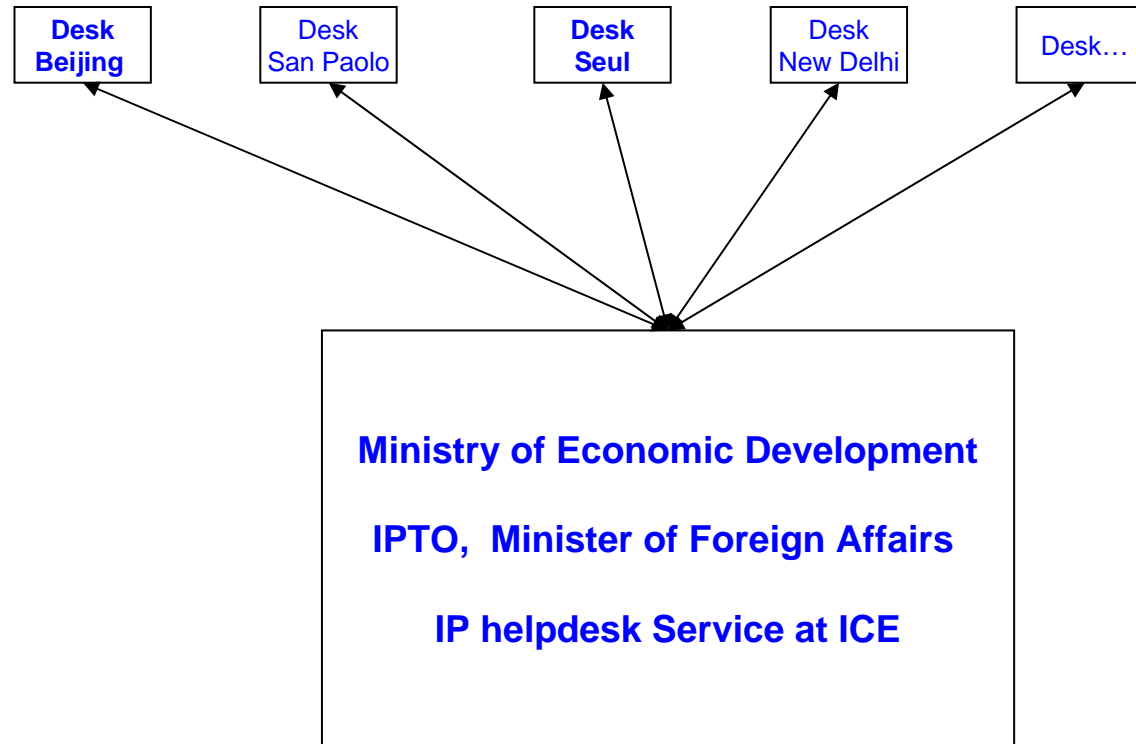


IP HELPDESK TASKS

The IP helpdesks run by IP experts (an Italian IP expert supported by a local IP expert) provide for information on how the local IP system works (registration procedures for each IPR and enforcement procedures in the event of infringement). There is also a special legal assistance if the solution of an infringement case represent a pilot case to open the market



IP helpdesk network organization and managing



IP HELPDESK WEB GATEWAY SERVICE HOME PAGE CONTENT iprhelpdesk@ice.it

ITALIAN
LEGISLATION

DATABASE
IP HELPDESK

DATABASE
ENTERPRISES

DATABASE
EVENTS

IP HELPDESK
ACTIVITIES

NEWS

AGREEMENTS
WITH LAW FIRMS

LINKS

LOCAL
LEGISLATION



Bilateral Agreement

Italy consider very strategic the policy based on the common understanding of the counterfeiting phenomena

Many agreements have been concluded in the recent last years

I mention only two example with France and with China



STRENGTHENING OF CUSTOM' S ROLE

- On the basis of EU Regulations* and on the national law** the Italian Customs Agency has created a multimedia database as a support tool for combating counterfeiting: FALSTAFF Fully Automated Logical System Against Forgery and Fraud
- 25% of the confiscations of counterfeit goods in Europe are made by the Italian custom



FALSTAFF MAIN CHARACTERISTICS*

- integration with the customs control circuit
- development of knowledge base to assist internal and external users thanks to trade associations and companies support
- use of e-learning platform



FALSTAFF

- FALSTAFF, integrated with National Customs Information System, AIDA, is fed by the rightholders (RHs) by requesting an action that may be combined with photos, leaflets, manuals and any other elements useful for an easier and timely identification of the authentic product. The application for action can be integrated also by particulars concerning the identity of the importer, exporter or holder of the goods, place of production, routes followed, transportation and packaging modes, scheduled arrival and departure dates, value of the products, the routes followed by traffickers and the country or countries of production of the suspect products, so that a RH is aware that counterfeit goods may be subject to a customs operation by a certain operator at a certain customs office, may indicate this information in the request for action.
- Should any doubts arise on the authenticity of a product, the customs official may query FALSTAFF and make a comparison between the suspected counterfeit products and the authentic products to detect any technical differences between them.
- All national customs declarations are checked in real time by electronic system AIDA and valued by specific risk profiles generated also based on the parameters indicated in the application for action. By this integration if one declaration contains data concerning suspected products, it is possible to intercept immediately the goods for a physical control and alert RHs (also by sms).
- FALSTAFF enables trade associations to create interactive and multimedia web pages to support more efficiently and effectively the customs officer while carrying out his control activity using a specific knowledge base and linking it to a gateway with other websites of trade associations, enterprises and other bodies and entities for a direct and automatic self feeding of this site. The user may create through a knowledge base an “electronic handbook”, providing guidance on how to establish the authenticity of the product and/or its compliance with quality and security standards, to the customs officers performing the control of the goods.



FALSTAFF COMPONENTS

FALSTAFF initiative has been divided into two functional components:

- the front office is represented by a web-site created for the distribution to businesses of informational and transactional services (transmission of request an application, updating of KB to support control activities, improvement of the e-learning catalogue, etc.). This component supports the functions of identifying users and transmitting data to the Customs authorities;
- the back office is a service infrastructure for the exchange and sharing of information between Customs authorities.



FALSTAFF USERS

- FALSTAFF enables trade associations and enterprises to gain access to an authorized area, customs officers to gain access to a secured area and consumers to gain access to a freely area of common interest.
- Custom Officers are internal users. FALSTAFF is operative in 400 Customs Offices. The current level of internal penetration is 100%.
- Trade associations and companies are external users. External users are 15.000



FALSTAFF OUTCOMES

The Italian Customs Agency, adopting AIDA and then FALSTAFF, has improved the control productivity (20%). It is possible verify this benefit by reading the references of the main trade associations and companies.



FALSTAFF E-PARTNERSHIP BETWEEN PUBLIC AND PRIVATE SECTOR TO COMBAT COUNTERFEITING

- The contribute of the external users (trade associations and companies) is fundamental to increase the efficiency, the efficacy of the system and making customs intervention timely.
- The Italian Customs Agency has signed specific Memorandum of Understanding to involve trade associations and companies in FALSTAFF putting businesses at the centre – driving use and participation.
- FALSTAFF is a an important and innovative instrument of e-learning, as well, for the Customs Officials who cannot have specific competence on all the different sectors
- FALSTAFF, in perspective, may rend companies aware of the need to develop and include a customs strategy in their marketing plan



COMMUNICATION PLAN ON IPRS INFRINGEMENT- GOALS

Campaign aimed at the immediate divulgation of messages by means of widespread communication, in order to create the necessary conditions for a consciousness raising in the consumers and a change of mind about the infringement theme



ANTI-COUNTERFEITING CAMPAIGN COUNTERFEIT DAMAGES ECONOMY 2006



ILLEGALITY



UNFAIR COMPETITION



ADVERTISEMENT MESSAGE 2006

“Counterfeit damages economy.

When you buy counterfeit goods you support illegality, unfair competition, and you are a party to a crime.

The absence of rules risks also health and safety and damages employment; less jobs and much concealed labour.

Be out of it: keep within the law.

Be against counterfeit goods”



ADVERTISEMENT MESSAGE 2008

WEB dissemination specially
addressed to young people

“If you buy something false you are
not original”

“Se compri falso non sei originale”



ACTIONS EXAMINED BY THE ITALIAN PARLIAMENT ENTERING INTO FORCE AT THE END OF THIS YEAR

- To introduce harsher punishment for the counterfeiters in our criminal law
- To introduce new investigation tools, such as the under-covering police operations.
- To facilitate the application of the penalties also for aware consumers of counterfeit goods.



ACTIONS FORESEEN

- Support to the European anti-counterfeiting plan
- Harmonization of EU criminal law in this field
- Increase judges IP Knowledge (IPTO working agreement with the magistrates' governing council- CSM- on IP training)
- Increase IP awareness among the police forces (training project for local police developed in 2007)
- Disseminate IP culture among the entrepreneurs and consumers also jointly with other NPOs and UAMI acting as a network (keeping on the experience of roving seminars on IPRs enforcement)
- Invest sufficient resources in disseminate IP culture as this is the best way to repay their fees to owners



Thanks for your
attention

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www.uibm.eu

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Office

