

EUIPO & the European Observatory on Infringements of Intellectual Property Rights

Fields marked with * are mandatory.

Purpose of this Public Consultation

Consulting the public and other groups is an essential part of policy preparation and review. Your input, views, ideas and experience help shape and implement effective European Union (EU) policies.

The European Union Intellectual Property Office ('EUIPO') was created in 1994 with the main task of administering the European Union trade mark system [1].

In 2012 the EUIPO was entrusted with an additional set of tasks - Regulation (EU) No 386/2012. Such tasks relate to the fight against infringements of intellectual property rights (such as patents, trademarks and copyright).

In broad terms, under the above mentioned Regulation 386/2012, the EUIPO was asked to:

- facilitate and support the activities of national authorities, the private sector and the EU institutions in the fight against infringements of the intellectual property rights through studies, surveys, events, development of tools, etc.;
- host, organise and chair a network of experts, authorities and stakeholders concerned by or most experienced in the fight against infringements of intellectual property rights. This network is called the 'European Observatory on Infringements of Intellectual Property Rights' (the Observatory). The EUIPO organises regular meetings of the Observatory to draw on the members' expertise.

Six years have passed since Regulation No 386/2012 entered into force and it is now time to assess to what extent it contributed to enhance effective enforcement of intellectual property rights. To support that assessment the European Commission has published a study on the evaluation of Regulation No 386/2012 (available [here](#)). The study was conducted by an external contractor.

The purpose of this consultation is to collect your views on the relevance of the EUIPO's mission, tasks and activities under Regulation No 386/2012 and on how it has been performing them.

On the basis of all the data gathered, including your views, the European Commission will adopt a report evaluating Regulation No 386/2012 and transmit it to the European Parliament, the Council and the European Economic and Social Committee. The report will also be made available to the public.

[1] The EUIPO was named the Office for Harmonization in the Internal Market (OHIM) until 23 March 2016.

About you

1 You are welcome to answer the questionnaire in any of the 24 official languages of the EU. Please let us know in which language you are replying.

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovene
- Spanish
- Swedish

*** 2 First name**

30 character(s) maximum

*** 3 Last name**

50 character(s) maximum

*** 4 Email address**

50 character(s) maximum

If you do not have an email address, please write "Not available".

*** 5 You are replying**

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

***6 Country of residence**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

***7 If "other", please specify:**

30 character(s) maximum

***8 Name of the organisation**

50 character(s) maximum

***9 Postal address of the organisation**

150 character(s) maximum

*** 10 Type of organisation**

Please select the answer option that fits best.

- Private enterprise or company
- Professional consultancy, law firm, self-employed consultant
- Trade union, business organisation or professional association
- Consumer or other non-governmental organisation, platform or network
- Research, academia or think tank
- Church or religious community
- National, regional or local public authority
- European Union Institution, body or agency
- International public authority, Intergovernmental organisation
- Other

*** 11 If "other", please specify:**

50 character(s) maximum

*** 12 How many employees does the company have?**

- 250 employees or less
- More than 250 employees

*** 13 Please specify the type of organisation.**

- Trade Union
- Chamber of commerce
- Organisation of holders of intellectual property rights
- Business organisation
- Organisation of professionals in the field of intellectual property
- Organisation representing other professions or crafts
- Other

*** 14 If "other", please specify:**

50 character(s) maximum

*** 15 Please specify the type of organisation.**

- National parliament
- National government
- Intellectual or Industrial Property Office

- Police, customs or other enforcement authority
- Other national public authority or agency

*** 16 If "other", please specify:**

50 character(s) maximum

17 Is your organisation a member of the Observatory?

- Yes
- No, but it participates in some of the Observatory's events
- No, my organisation is not a member of the Observatory and has little or no involvement in the Observatory's work.

*** 18 Is your organisation included in the Transparency Register?**

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

*** 19 If so, please indicate your Register ID number.**

20 character(s) maximum

*** 20 Where is your organisation's headquarters?**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta

- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

***21 If "other", please specify:**

30 character(s) maximum

***22 The Commission can publish your contribution:**

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- with my information** (I consent to the publication of all information in my contribution in whole or in part including my name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- provided that I remain anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

***23 The Commission can publish your contribution:**

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- with your organisation's information** (I consent to the publication of all information in my contribution in whole or in part including the name of my organisation, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- provided that your organisation remains anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

Relevance of the tasks given to the EUIPO

As indicated, the EUIPO [1] :

- facilitates and supports the activities of national authorities, the private sector and the EU institutions in the fight against infringements of the intellectual property rights such as trademarks, design rights, patents or copyrights, and
- hosts and manages the European Observatory on Infringements of Intellectual Property Rights [2], which is composed of representatives from public authorities and from the private sector.

[1] The Regulation establishing the EUIPO is available [here](#).

[2] By the [Regulation \(EU\) No 386/2012](#) of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs).

*** 24 Have you ever heard about the European Union Intellectual Property Office ('EUIPO')?**

- Yes, and I am well aware of what it does.
- Yes, and I more or less know what it does.
- Yes, but I am not quite sure what it does.
- No, I have never heard about the EUIPO.

*** 25 Would you consider the EUIPO's mission important and relevant?**

- Yes, it is important.
- Not anymore, the EUIPO's mission has become irrelevant and no longer important.
- No, the EUIPO's mission was never relevant or important and therefore the Regulation should be scrapped.
- No opinion.

26 Please, explain:

1000 character(s) maximum

27 Please, explain:

1000 character(s) maximum

28 Please, explain:

1000 character(s) maximum

29 How important are the following tasks given to the EUIPO?

at least 6 answered row(s)

	Very Important	Important	Not important	No opinion
* Research on the economic and cultural value of intellectual property for citizens, businesses and society at large.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Research on the volume and consequences of counterfeiting, piracy and other breaches of intellectual property rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Dissemination of best practices to protect intellectual property rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* Helping raise citizens' awareness of the impact of counterfeiting, piracy and other breaches of intellectual property rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Training and improving the expertise of people involved in the enforcement of intellectual property rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Research on technical tools to prevent and tackle infringements of intellectual property rights, including tracking and tracing systems which help to distinguish genuine products from counterfeit ones.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Providing tools for cooperation between national authorities involved in protecting intellectual property rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* In consultation with Member States, helping authorities from countries outside the EU to develop techniques, skills and tools for enforcing intellectual property rights.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Organising regular meetings of representatives from public administrations, bodies and organisations in the Member States dealing with intellectual property rights and representatives from the private sector (the Observatory).	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

30 Are there any tasks missing? Should the EUIPO receive additional tasks in order to do more to help national authorities, the private sector and the EU institutions curb infringements of intellectual property rights?

- No.
- Yes.
- No opinion.

31 Please, explain:

2000 character(s) maximum

32 Would you see any contradictions among the tasks listed in question 29?

- Yes.
- No.
- No opinion.

33 Please, explain:

1000 character(s) maximum

How would you rate the following activities undertaken by the EUIPO to fulfil the tasks mentioned above?

***34 EUIPO activity: establish a transparent methodology for the collection, analysis and reporting of independent, objective, comparable and reliable data on infringements of intellectual property rights. This is:**

For example, how to calculate whether the selling of counterfeits is augmenting or diminishing, and how much economic damage does it cause)

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

***35 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

36 Would you want to add any remarks?

1000 character(s) maximum

***37 EUIPO activity: publish evidence-based, reports, studies and surveys on the economic value and societal contribution of intellectual property, as well as on infringements of intellectual property rights and their impact. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

***38 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

39 Would you want to add any remarks?

1000 character(s) maximum

*** 40 EUIPO activity: publish evidence-based, reports, studies and surveys on the economic value and societal contribution of intellectual property, as well as on infringements of intellectual property rights and their impact. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

*** 41 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

42 Which publication(s) would you consider especially important? How do/did you use it/them?

1000 character(s) maximum

43 On which topics should the EUIPO's publications focus on in the next years?

1000 character(s) maximum

44 Would you want to add any remarks?

1000 character(s) maximum

*** 45 EUIPO activity: collect, analyse and disseminate information regarding best practices. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

*** 46 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

47 Would you want to add any remarks?

1000 character(s) maximum

***48 EUIPO activity: create publications and organise events to raise public awareness of the impact of counterfeiting and piracy and assist national and EU-wide initiatives. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

***49 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

50 Would you want to add any remarks? Is there a campaign you would like to mention?

1000 character(s) maximum

51 Has the EUIPO supported you in an awareness-raising initiative? If so, were you happy with the experience?

1500 character(s) maximum

***52 EUIPO activity: monitor the development of new competitive business models which increase the amount of legally available cultural and creative content, encourage the exchange of information and raise consumer awareness of this. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

***53 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

54 Would you want to add any remarks?

1000 character(s) maximum

*** 55 EUIPO activity: deliver specialised enforcement training and seminars for national officials involved in the protection of intellectual property rights and organise ad hoc meetings of experts, including academic experts and relevant representatives of civil society. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

*** 56 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

57 Have you or has your organisation attended a training course or seminar that you remember in particular? How many? Are they useful?

1000 character(s) maximum

58 Would you want to add any remarks?

1000 character(s) maximum

*** 59 EUIPO activity: identify and promote technical tools for professionals and benchmark techniques, including tracking and tracing systems which help to distinguish genuine products from counterfeit ones. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

*** 60 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.

No opinion.

61 Would you want to add any remarks? Would you want to mention a particular EUIPO initiative in this field?

1000 character(s) maximum

***62 EUIPO activity: develop online tools to exchange information on infringements of intellectual property rights between public administrations, bodies and organisations in the Member States dealing with the protection and enforcement of those rights. This is:**

e.g. the Enforcement Database ('EDB'), Anti-Counterfeiting Intelligence Support Tool ('ACIST'), or the Anti-Counterfeiting Rapid Intelligence System ('ACRIS').

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

***63 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

64 How useful would you think the following tools are?

	Very useful	Useful	Of little usefulness	Should be discontinued	No opinion
Enforcement Database (EDB)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-Counterfeiting Intelligence Support Tool (ACIST)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Anti-Counterfeiting Rapid Intelligence System (ACRIS)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

65 Have you or your organisation used any of the databases or other online tools? Which ones? Please give concrete examples highlighting positive or negative points of these tools.

2000 character(s) maximum

66 Would you want to add any remarks?

1000 character(s) maximum

*** 67 EUIPO activity: cooperate with Member States to develop and promote techniques, skills and tools for enforcing intellectual property rights, including training programmes and awareness-raising campaigns. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

*** 68 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very bad.
- No opinion.

69 Could you describe an example of your cooperation with the Observatory. What were the positive or negative points of your experience?

1500 character(s) maximum

70 Would you want to add any remarks?

1000 character(s) maximum

*** 71 EUIPO activity: work with intellectual property offices in third countries to develop and provide technical assistance and training programmes. This is:**

- Very important.
- Important.
- Not important.
- Totally irrelevant.
- No opinion.

*** 72 The EUIPO does it:**

- Very well.
- Satisfactorily.
- Poorly.
- Very badly.
- No opinion.

73 Would you want to add any remarks? Are any cooperation projects particularly useful, or simply irrelevant?

1500 character(s) maximum

*** 74 Overall, to what extent have the EUIPO's activities helped improve the protection of intellectual property rights in the EU?**

- To a great extent. The EUIPO has achieved very good results.
- To a considerable extent. The EUIPO has achieved good results.
- To a lesser extent. The EUIPO has achieved poor results.
- The EUIPO has not achieved any meaningful results.
- No opinion.

75 Would you want to add any remarks?

2000 character(s) maximum

76 Are there tasks or activities not listed above that should be assigned to the EUIPO?

- Yes. Please, explain:
- No.
- No opinion.

77 Please, explain:

1000 character(s) maximum

78 Are there circumstances that make the EUIPO less effective in carrying out its tasks and activities?

- No, nothing in particular.
- Yes. Please explain:

79 One or more of the following circumstances reduce the EUIPO's ability to carry out its tasks and activities:

- The network of representatives is too large.
- The EUIPO works on too many projects and activities and not all them are sufficiently relevant or useful.
- It is too difficult to get data from Member States
- The EUIPO's location: it is difficult or time consuming for participants to attend the Observatory's meetings and events that take place in Alicante.
- Other. Please, specify:

80 If "other", please specify:

2000 character(s) maximum

81 Would you want to add any remarks?

2000 character(s) maximum

The Observatory

The Observatory assembles representatives from public administrations, bodies and organisations in the Member States dealing with intellectual property rights, and representatives from the private sector. Its purpose is to participate in the EUIPO's activities in accordance with Article 4(2) of Regulation (EU) No 386/2012:

"Private-sector representatives invited to meetings of the Observatory shall include a broad, representative and balanced range of Union and national bodies representing the different economic sectors, including the creative industries, most concerned by or most experienced in the fight against infringements of intellectual property rights.

Consumer organisations, small and medium-sized enterprises, authors and other creators shall be properly represented".

82 Would you think any interest groups are under-represented or missing in the Observatory?

See who are the stakeholders of the Observatory [here](#).

- Yes
 No

83 Which organisations are missing?

1000 character(s) maximum

See who are the stakeholders of the Observatory [here](#).

84 The EUIPO organises the Observatory's meetings:

- Very well.
 Well but the EUIPO can still improve. Please, explain:
 Not very well. Please, explain:
 Very badly. Please, explain:

85 Please, explain:

1000 character(s) maximum

86 Please, explain:

1000 character(s) maximum

87 Please, explain:

1000 character(s) maximum

88 Has the EUIPO created fruitful cooperation with the representatives of public and private sectors?

- Yes.
- Yes, but improvements are necessary. Please, explain:
- No. Please, explain:

89 Please, explain:

800 character(s) maximum

90 Please, explain:

800 character(s) maximum

91 Does the EUIPO adequately inform these representatives of its activities?

- Yes.
- Yes, but improvements are necessary. Please, explain:
- No. Please, explain:

92 Please, explain:

800 character(s) maximum

93 Please, explain:

800 character(s) maximum

94 Does the EUIPO adequately consult the representatives on its activities?

- Yes.
- Yes, but improvements are necessary. Please, explain:
- No. Please, explain:

95 Please, explain:

800 character(s) maximum

96 Please, explain:

800 character(s) maximum

97 Does the EUIPO adequately take representatives' views into account?

- Yes.
- Yes, but improvements are necessary. Please, explain:
- No. Please, explain:

98 Please, explain:

800 character(s) minimum

99 Please, explain:

800 character(s) maximum

100 Does the EUIPO do enough to help representatives actively participate in its activities?

- Yes.
- Yes, but improvements are necessary. Please, explain:
- No. Please, explain:

101 Please, explain:

800 character(s) maximum

102 Please, explain:

800 character(s) maximum

103 Is the process leading to the adoption of the Observatory's work annual programme transparent?

- Yes.
- Yes, mostly, but there is still room for improvement. Please, explain:
- Not at all, the EUIPO should make substantial improvements. Please, explain:

104 Please, explain:

800 character(s) maximum

105 **Please, explain:**

800 character(s) maximum

In 2016 and 2017, the EUIPO spent EUR 7 million and EUR 7.2 million, respectively, on activities related to its work with the Observatory and the fight against infringements of intellectual property rights (excluding salaries of statutory staff and other staff-related expenditure).

106 **Are the costs justified and proportionate, given the results achieved by the EUIPO?**

- Yes.
- No, the EUIPO is not investing enough and therefore its budget should be expanded. Please, explain:
- No, the EUIPO is overspending and the same or better results could be achieved with a much lower budget. Please, explain:
- No (other reasons). Please, explain:
- No opinion.

107 **Please, explain:**

800 character(s) maximum

108 **Please, explain:**

800 character(s) maximum

109 **Please, explain:**

800 character(s) maximum

110 **Would you think the EUIPO is well equipped to carry out its tasks and activities, in terms of independency, funding, staff, expertise, IT and meeting capacities?**

- Yes.
- In general yes, but improvements can be made. Please, explain:
- No. Please explain:
- No opinion.

111 **Please explain by ticking one or more options below:**

- The EUIPO is too sensitive to vested interests or political pressure and does not have the independence needed to perform its tasks properly. Please, explain:
- The EUIPO has insufficient financial resources to perform its tasks properly. Please, explain:
- The EUIPO has not allocated sufficient staff to its tasks and activities.
- The EUIPO does not have the necessary expertise. Please, explain:
- The EUIPO does not have the necessary infrastructure to organise its meetings and events properly.

- The tasks and activities related to the Observatory and the fight against infringements of intellectual property rights should be given to another organisation. Please, explain:
- Other. Please, explain:

112 Please, explain:

800 character(s) maximum

113 Please, explain:

800 character(s) maximum

114 Please, explain:

800 character(s) maximum

115 Please, explain:

800 character(s) maximum

116 Please, explain:

800 character(s) maximum

117 Please, explain:

800 character(s) maximum

118 If "other, please specify:

1500 character(s) maximum

119 Would you see gaps or contradictions between the EU's overall objectives and activities, including in the field of intellectual property, and the EUIPO's tasks and activities in the context of its work with the Observatory and the fight against infringements of intellectual property rights?

- Yes. Please, explain:
- Some of EUIPO's tasks and activities are not totally aligned with the EU's overall objectives and activities. Please, explain:
- The EUIPO's tasks and activities are not consistent with the EU's overall objectives and activities. Please, explain:

No opinion.

120 Please, explain:

1500 character(s) maximum

121 Please, explain:

1500 character(s) maximum

122 Would you think infringements of intellectual property rights could be tackled just as well or even better at national level without involving the EUIPO?

- No.
 Yes.
 No opinion.

123 Please, explain:

2000 character(s) maximum

124 Please, explain:

2000 character(s) maximum

Document upload and final comments

125 Please feel free to upload a concise document, such as a position paper. The maximal file size is 1MB.

Please note that the uploaded document will be published alongside your response to the questionnaire as additional background reading to help clarify your position.

126 If you wish to add further information - within the scope of this questionnaire - please feel free to do so here.

2000 character(s) maximum

