

# The Prosecution of Intellectual Property Crime: Report on Results of Survey

Building Respect for IP Division  
Global Challenges and Partnerships Sector

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ACE/16, Geneva



# Background and objective

Understand **how IP crime** is prosecuted

What **specific knowledge and skills** IP crime prosecutors need

Help WIPO provides more **targeted and impactful assistance**

# ANALYSIS

## Survey areas

**52 national focal points** were sent a link to the survey

**27 WIPO Member States** submitted complete responses

Elements of national IP crime prosecution systems

Role within criminal prosecution services in general

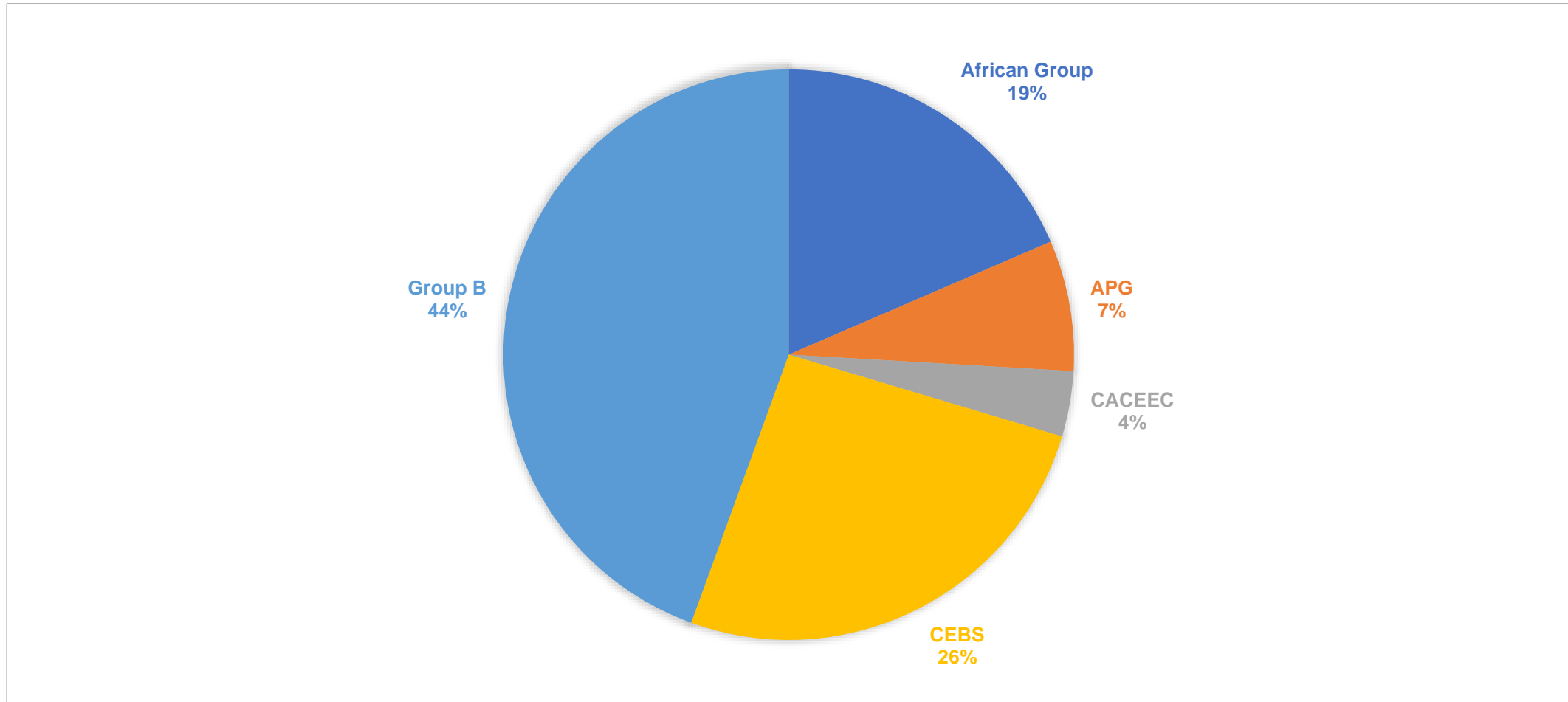
Availability of actions against online piracy

Statistical information

IP Crime Prosecution in Practice (successes and challenges)

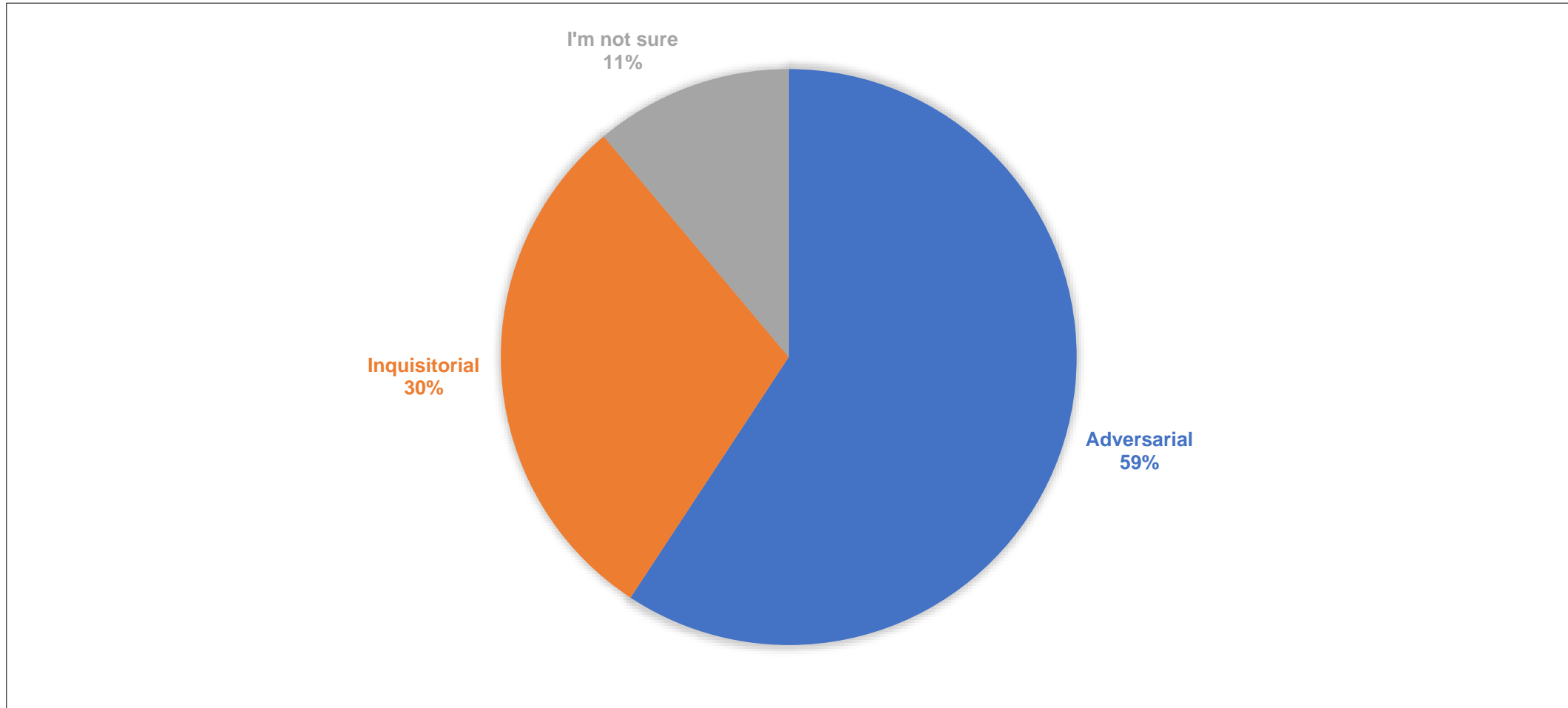
# Respondents' background

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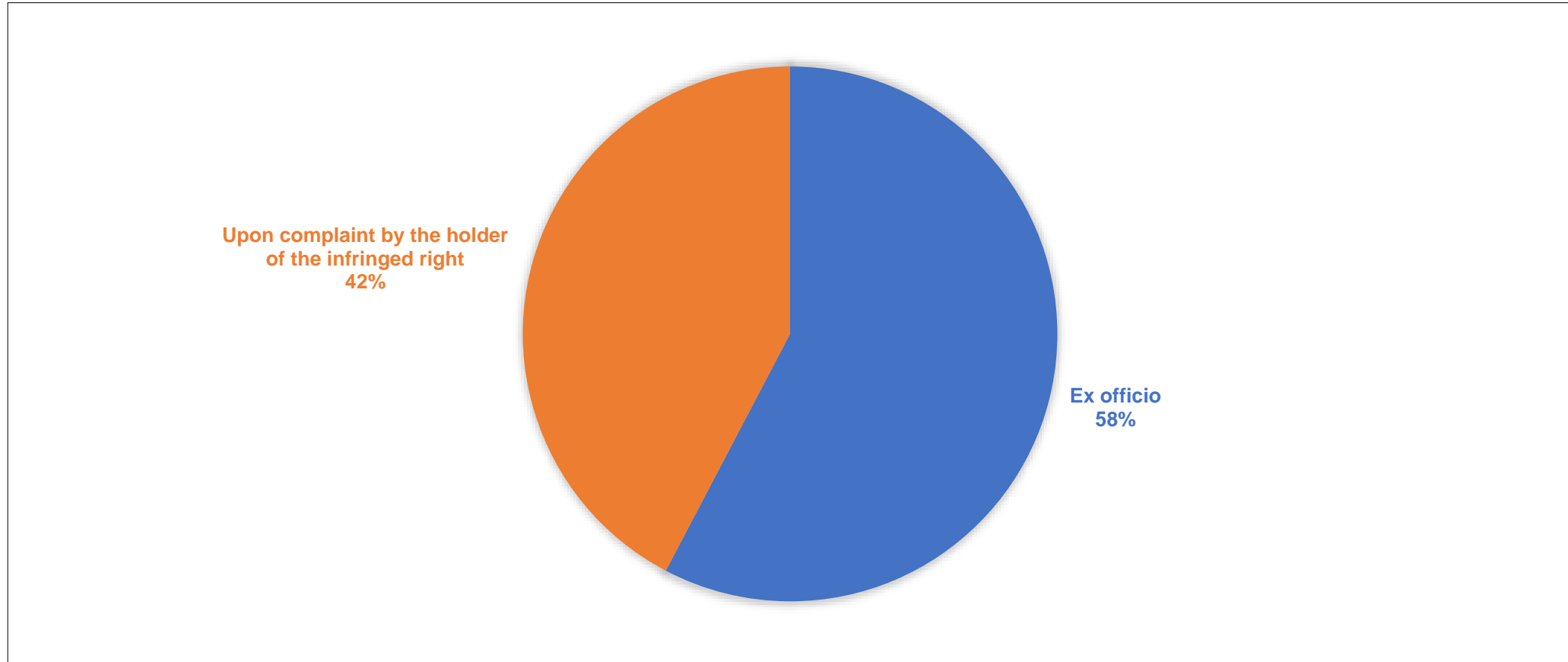
# Fundamental Characteristics of IP Crime Prosecution

# Adversarial vs. Inquisitorial System



*Distribution of respondents identifying adversarial versus inquisitorial prosecution systems*

# Ex officio vs. Complaint by the Holder of the Infringed Right

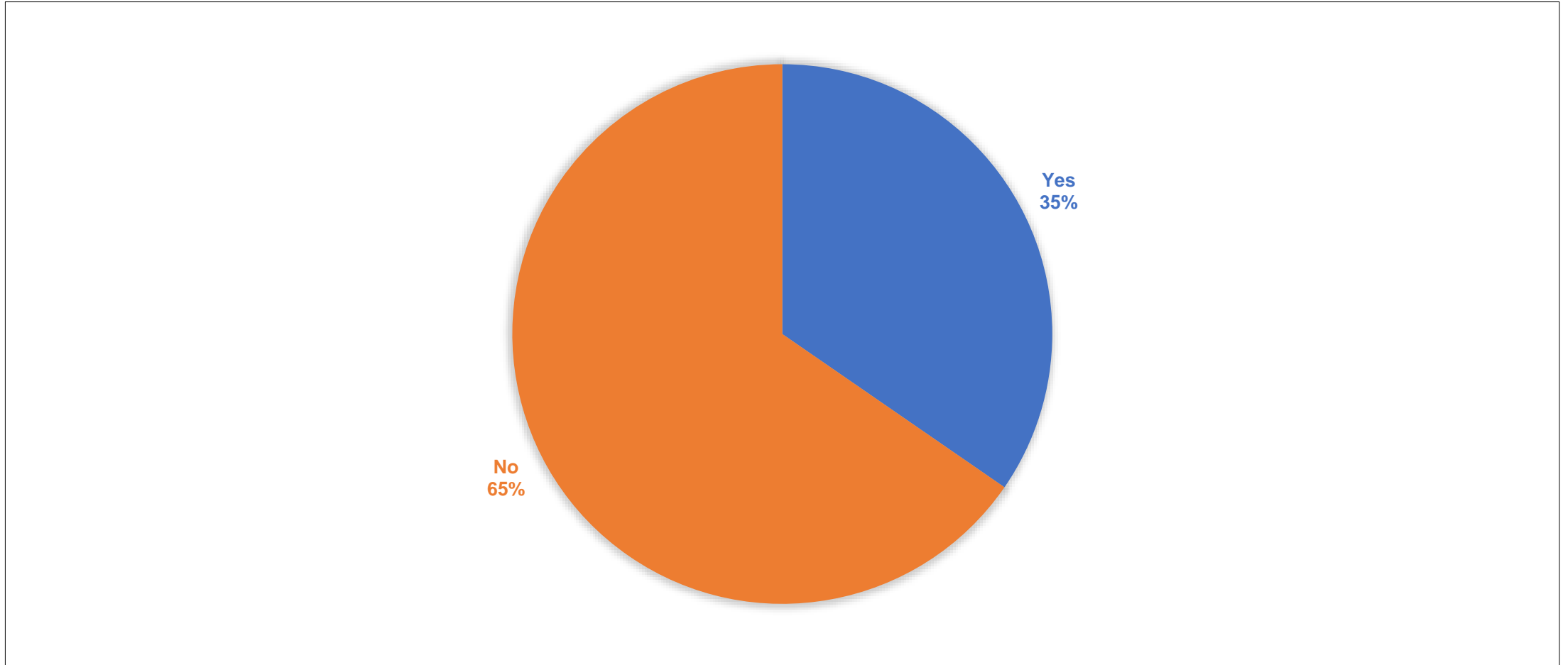


*Initiation of IP crime prosecution*



# The Role of IP Crime Prosecution Within the Criminal Prosecution Services

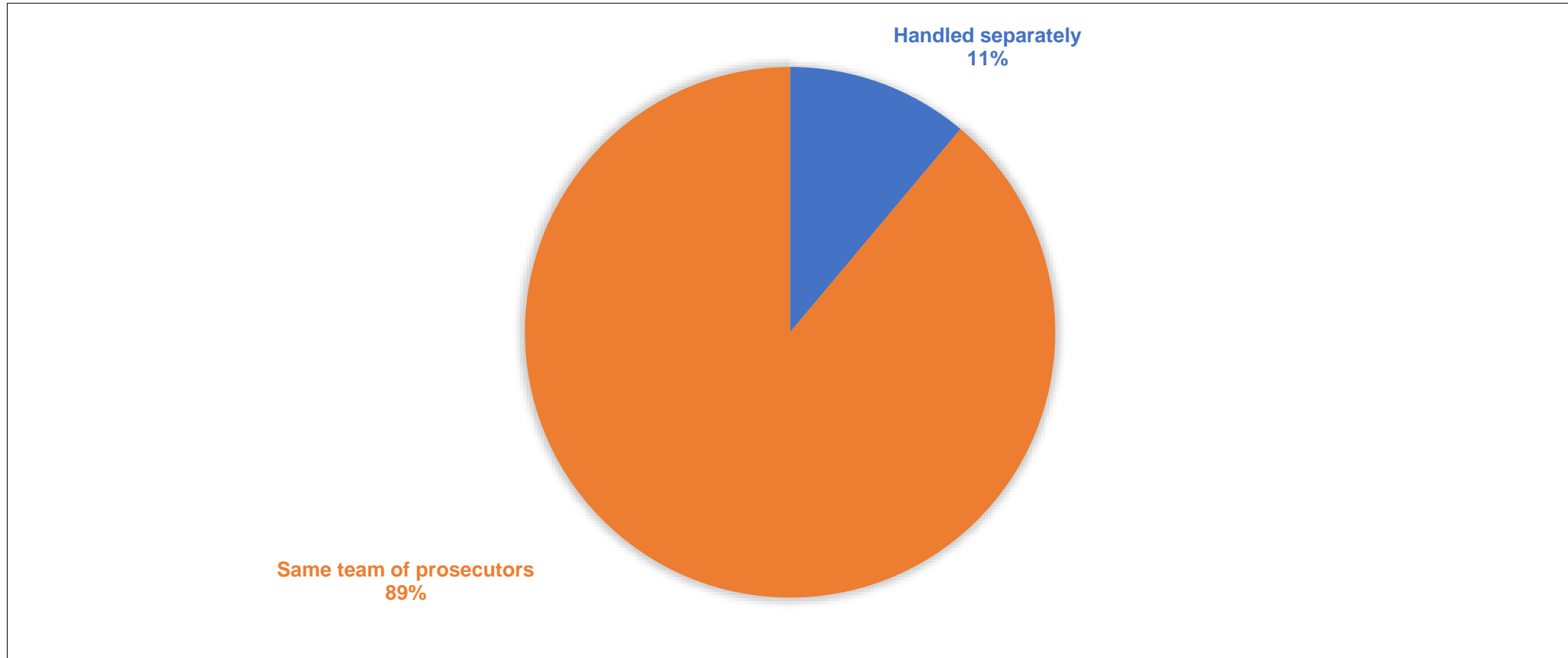
# Specialized Intellectual Property Prosecution



*Existence of prosecutors with specialization in IP crime*

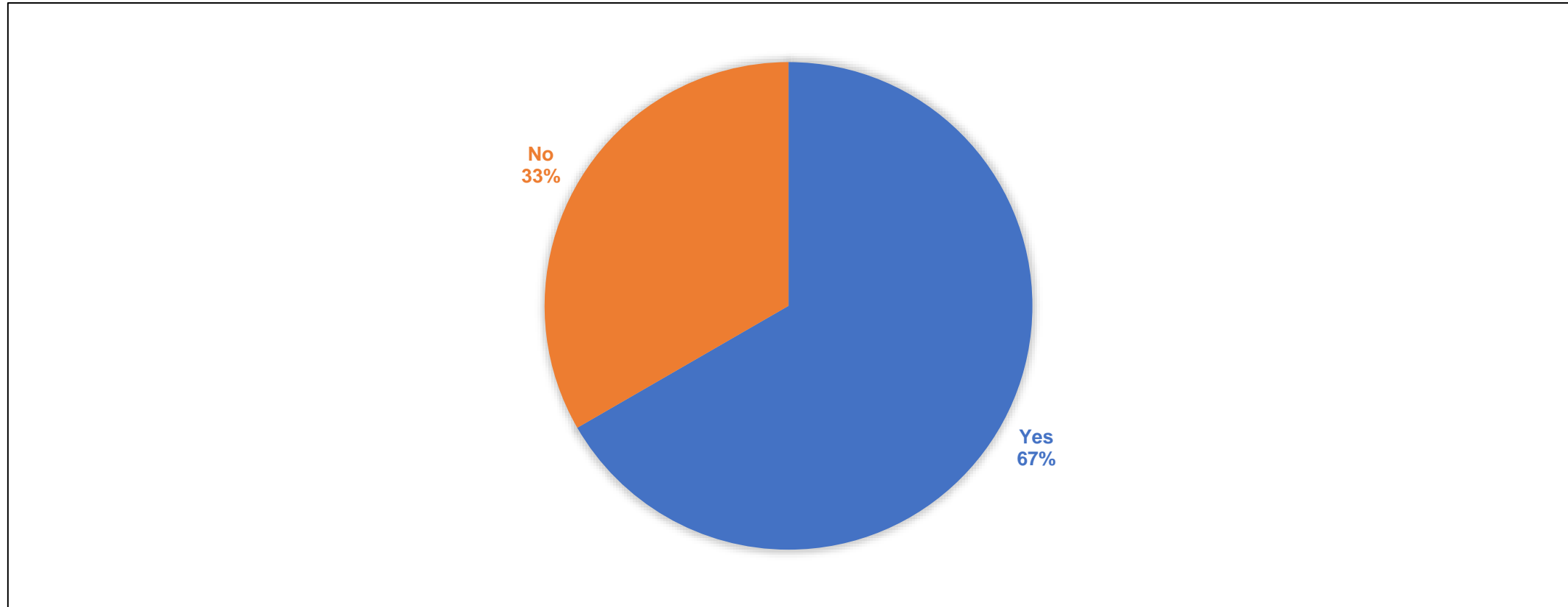
# Availability of Actions Against Online Piracy

# Prosecution of Digital Copyright Piracy



*Prosecution of digital copyright piracy*

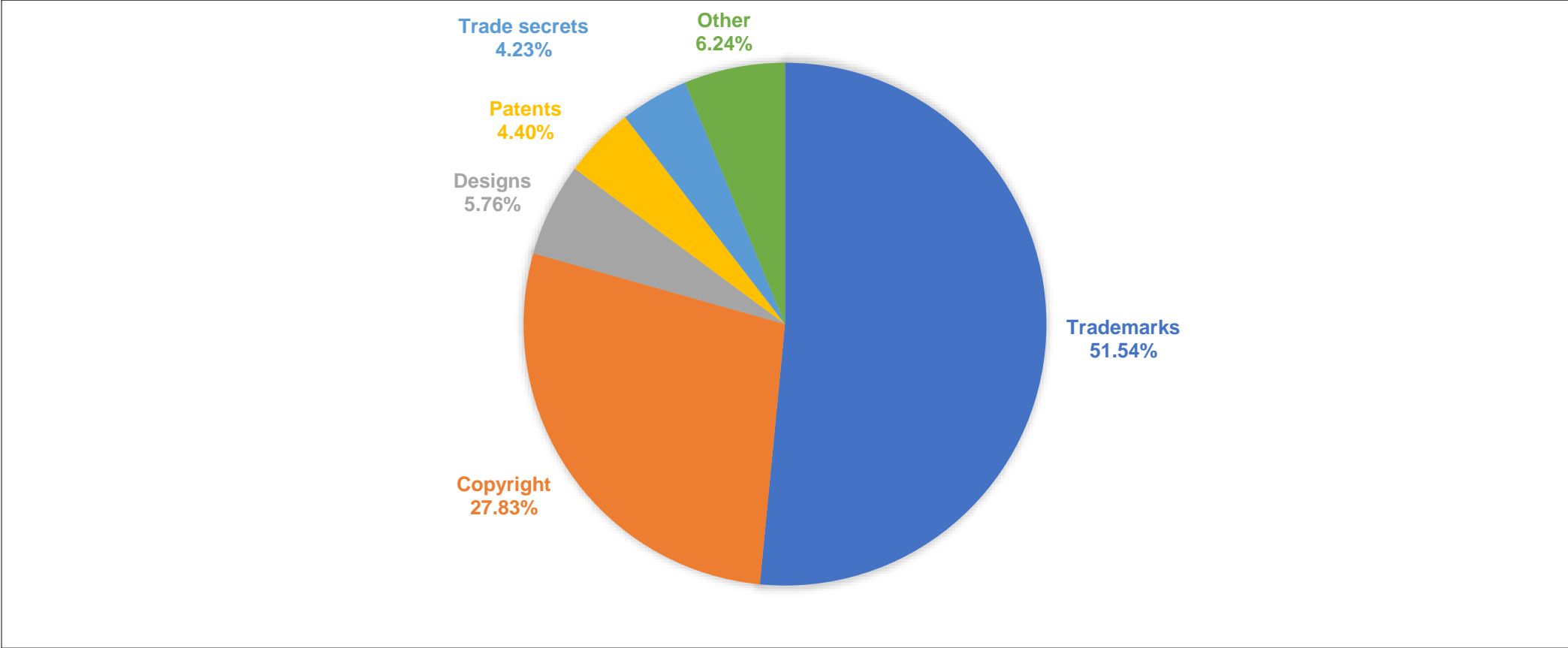
# Shutting down / Seizing Infringing Web Sites



*Availability of procedures to shut down or seize infringing websites*

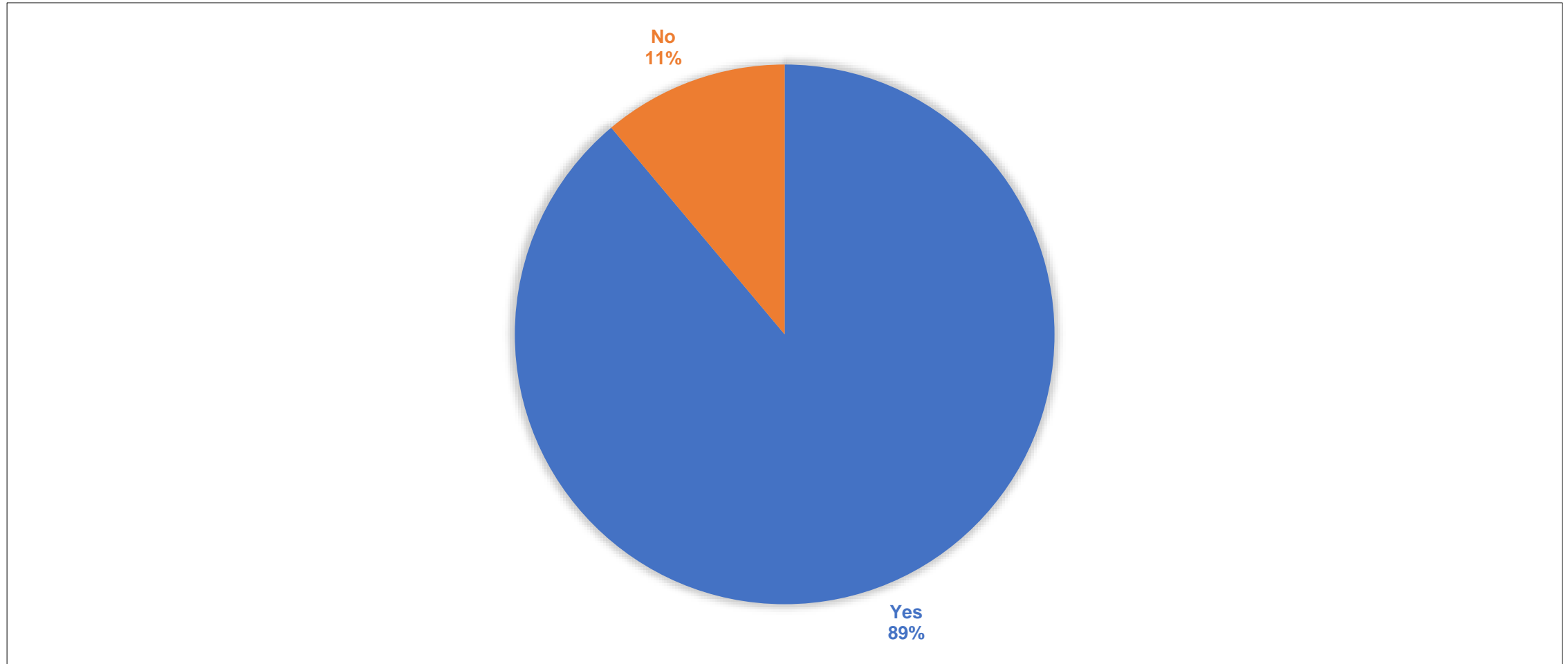
# Statistics on Intellectual property Crime Prosecution

# Prosecutions by Infringed Intellectual Property Right



*Distribution of IP crime prosecution by infringed right*

# Illegal Asset Recovery



*Availability of illegal asset recovery*



# Intellectual Property Crime Prosecution in Practice

# Successes in Prosecuting IP Crime

Case examples:  
IP-infringing physical goods  
and digital piracy

Case examples:  
almost exclusively trademarks  
or copyright

Success factor.  
existence of a special IP crime unit

Success factor:  
cooperation between prosecution,  
investigation unit, national IP office  
and right holders

# Challenges in Prosecuting IP Crime

Digital environment

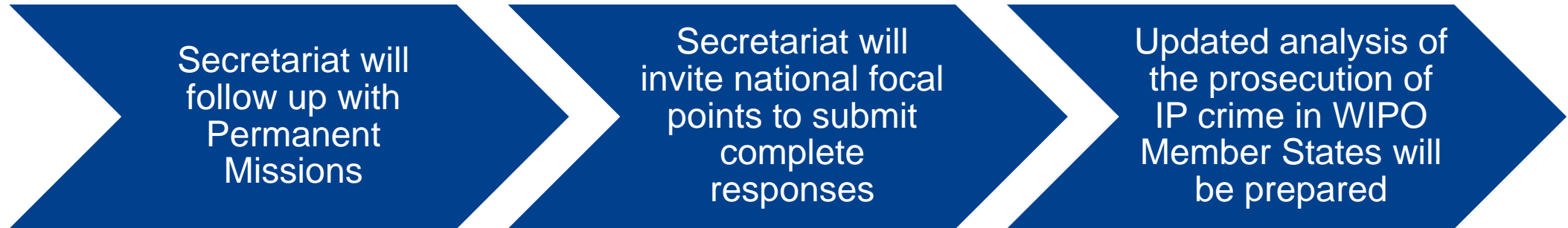
Human and institutional capacities

Operational challenges for  
prosecutors

Societal factors

# Way Forward

# Next steps



# Thank you!

## Building Respect for IP Division Global Challenges and Partnerships Sector

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