



Intellectual
Property
Office

Protecting creativity, supporting innovation: IP enforcement 2020



IP Enforcement Snapshot

Creative industries in 2013 contributed **£76.9 billion** a year to the UK economy.

The creative industries employed **2.8 million** people in 2014.¹



UK investment in intangible assets protected by intellectual property rights has risen from **£23.8 billion** to **£63.5 billion** in 20 years.²

Since its creation, the IPO funded **Police Intellectual Property Crime Unit (PIPCU)** has:



- investigated more than **£33 million** worth of IP crime;

- made **69 arrests**;



- suspended over **8,000** internet domain names;

- seized more than **£3 million** worth of counterfeit goods;



- diverted more than **11 million** visits from copyright infringing sites to a **PIPCU domain suspension site**.³

Operation Jasper, which tackles counterfeiting and piracy on social media sites, since June 2015 has taken down:



- 8,100** Facebook listings;
- 55** Facebook profiles;



- issued over **200** warning letters; and
- delivered **24** cease and desist letters.⁴

During 2014, Customs agencies involved in Operation Pangea **seized 35,206 parcels** containing **9,695,815 doses** of medicine.⁵



Between April 2014 and April 2015, there were 4,534 notifications of criminal use on '.uk' domains, resulting in 4,513 being suspended.⁶

The top five countries of origin for IPR-infringing goods continue to be:



Statistics provided by a range of sources show that **in 2014/15**:



- The British Phonographic Industry (BPI) seized **385,078 CDs** and **15,217,916 digital tracks**;

- The UK Border Force detained over **1.6 million IPR infringing items** with a retail value of more than **£56 million**;



- UK IPO attachés provided advice and support to over **4,200** businesses operating or preparing to operate in overseas markets;

- The UK Publishers Association requested Google to remove **1.75 million URLs** from its search results, which link to copyright protected material.



¹ DCMS (2016), Creative Industries Economic Estimates, Statistical Release www.gov.uk/government/statistics/creative-industries-economic-estimates-january-2016
² www.gov.uk/government/publications/estimating-uk-investment-in-intangible-assets-and-ip-rights.html
³ [IPO, IP Crime Report 2014/15](#)
⁴ National Markets Group
⁵ Ibid
⁶ Ibid
⁷ [IPO, IP Crime Report 2014/15](#)

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Ministerial foreword



Baroness Neville-Rolfe, DBE, CMG

**Minister for
Intellectual Property**

Intellectual property rights underpin investment in research and manufacturing, reward innovation in design and branding, and support creativity of all types. As a country famed for its creators and innovators, we know that these intellectual property rights lie at the heart of the economic and creative wellbeing of the UK. Although the exact contribution is hard to measure, one 2013 study suggested that as much as 39% of GDP across the entire EU was derived in some way from IP intensive activities.⁸

But these crucial IP rights are undermined and devalued on all fronts by infringement, whether by the wholesale sharing of digital content through myriad file sharing and streaming websites, deliberate copying of patent or design protected products, or the importation and sale of counterfeit goods on a massive scale.

The harm that this infringement causes is hard to measure, but it is also hard to understate. Infringement of IP rights is not just an economic matter, although it does cause financial loss to legitimate business, and to the exchequer. The harms caused by IP infringement go much further, to the heart of communities and the wellbeing of UK citizens. Unsafe counterfeit goods can pose serious risks to safety.

The prevalence of IP crime such as counterfeiting is closely associated with other serious criminality, and where entire markets are devoted to counterfeits, the chilling effect on legitimate traders can result in entire communities suffering from a lack of investment and the chance to thrive economically.

Infringement of IP rights online also causes harm to consumers, with close links between illegitimate websites and the spread of malware and other cybercrime. The extensive copying and distribution of infringing material also undermines the ability of our world leading creative industries to invest in new content, reducing the payback for creators, and damaging the long term cultural wealth of the nation.

Our core strategic ambitions are to ensure that:

- UK businesses, including small businesses, are more confident in operating internationally as a result of better IP protection globally
- Rights owners and rights users have access to proportionate and effective mechanisms to resolve disputes and tackle IP infringement
- Consumers and users are educated to the benefits of respecting IP rights, and do so

⁸ http://ec.europa.eu/internal_market/intellectual-property/docs/joint-report-epo-ohim-final-version_en.pdf

That is why as a government we have made effective, proportionate and accessible enforcement of IP rights a priority, and this document sets out a roadmap for how we will address this challenge.

In its manifesto, this Conservative government made a number of pledges to support the system of Intellectual Property rights in the UK.

Under this government Britain will be the best place in Europe to innovate, patent new ideas and set up and expand a business. To achieve this requires an environment where regulation works, but also one where consumers and businesses really understand the importance of IP, and the need to respect the IP rights of others.

This government has also pledged to protect intellectual property by continuing to require internet service providers to block sites that carry large amounts of illegal content, including their proxies. This reflects the way that modern businesses – and modern criminals – have moved to embrace online activity with all the opportunities, and challenges that brings. The UK has a good track record in the development of injunctive relief for online infringement, but this is something that must be preserved, and even enhanced to cope with the sheer numbers of infringing websites that spring up every month, and the new business models they employ.

This government will also build on progress made under our voluntary anti-piracy projects to warn internet users when they are breaching copyright and work to ensure that search engines do not link to the worst-offending sites. This is in recognition of the fact that the clear majority of consumers want to do the right thing, to abide by the law and support our creative industries. Helping those consumers to understand what is, and is not, allowed online, and helping guide them to legal content when they search, will help ensure that the vast appetite that exists for new and creative content benefits the legitimate creators, and not those criminals who cynically exploit the hard work of others.

The scale alone of online activity requires radical solutions in this space, involving all players from search engines to advertisers, to pull together to reduce infringing activity, and the harm that it causes.

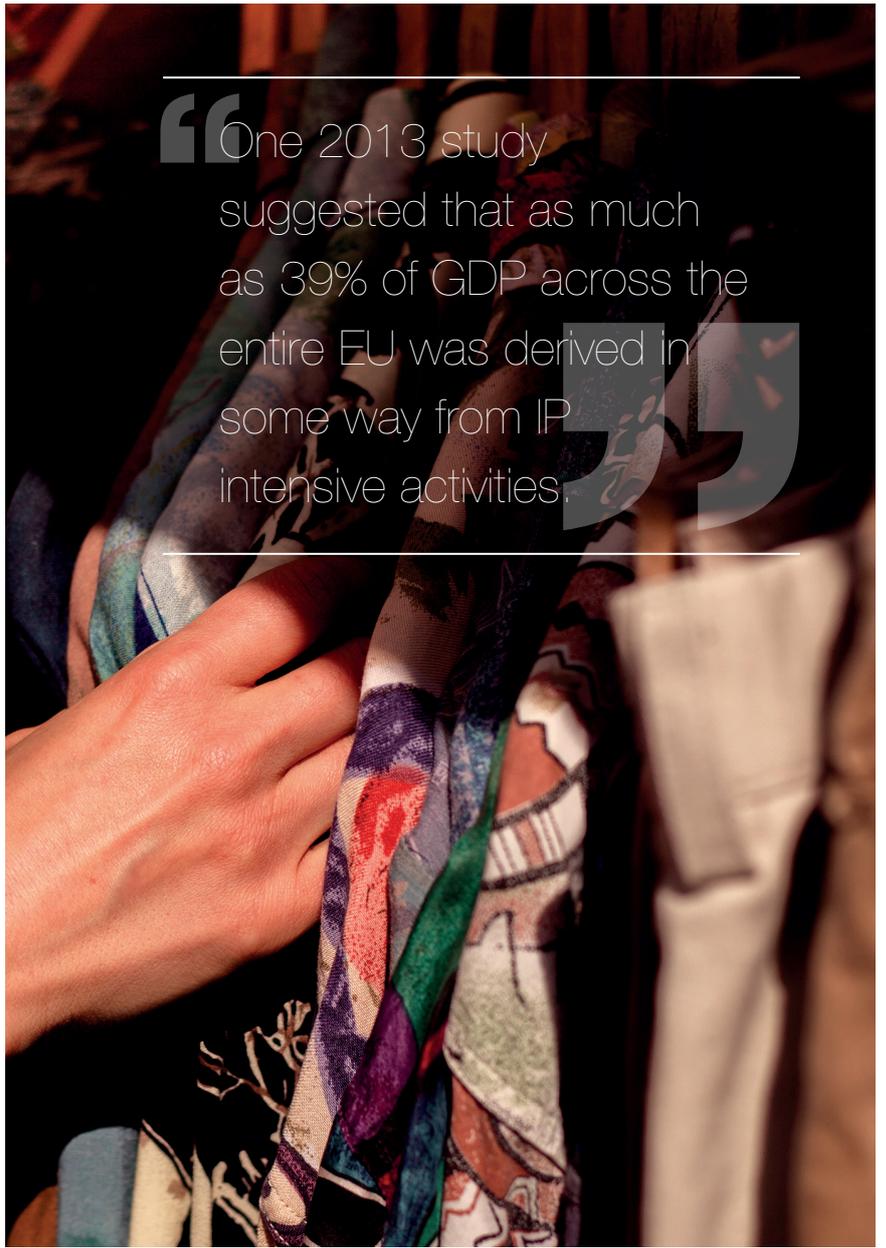
Underpinning all of the above there has to be an effective and proportionate system of sanctions. That is why we have pledged to toughen sentencing for serious offenders, and that is why we are working to harmonise the maximum criminal penalties for online and offline copyright infringement at 10 years. That is why we are also continuing in our active support for the specialist IP Enterprise Court, to ensure that small businesses and lone creators can access legal redress at an affordable cost.

Of course much good work has already been done. The creation of the Police Intellectual Property Crime Unit, reforms to the Intellectual Property Enterprise Court and ambitious research projects like the Online Copyright Infringement Tracker study, have all helped to ensure that the UK has a good reputation for its enforcement regime.

What is vital is that we take this privileged position and build upon it. As this strategy outlines, many problems in the IP enforcement world can only be solved through work with our domestic and international partners. The challenge is to keep up the momentum we have, bring others in the UK, Europe and further afield along with us, and ensure that we continue to improve the outlook for the UK, for creators of all kinds, and for those looking to invest in the UK as a great place to do business.

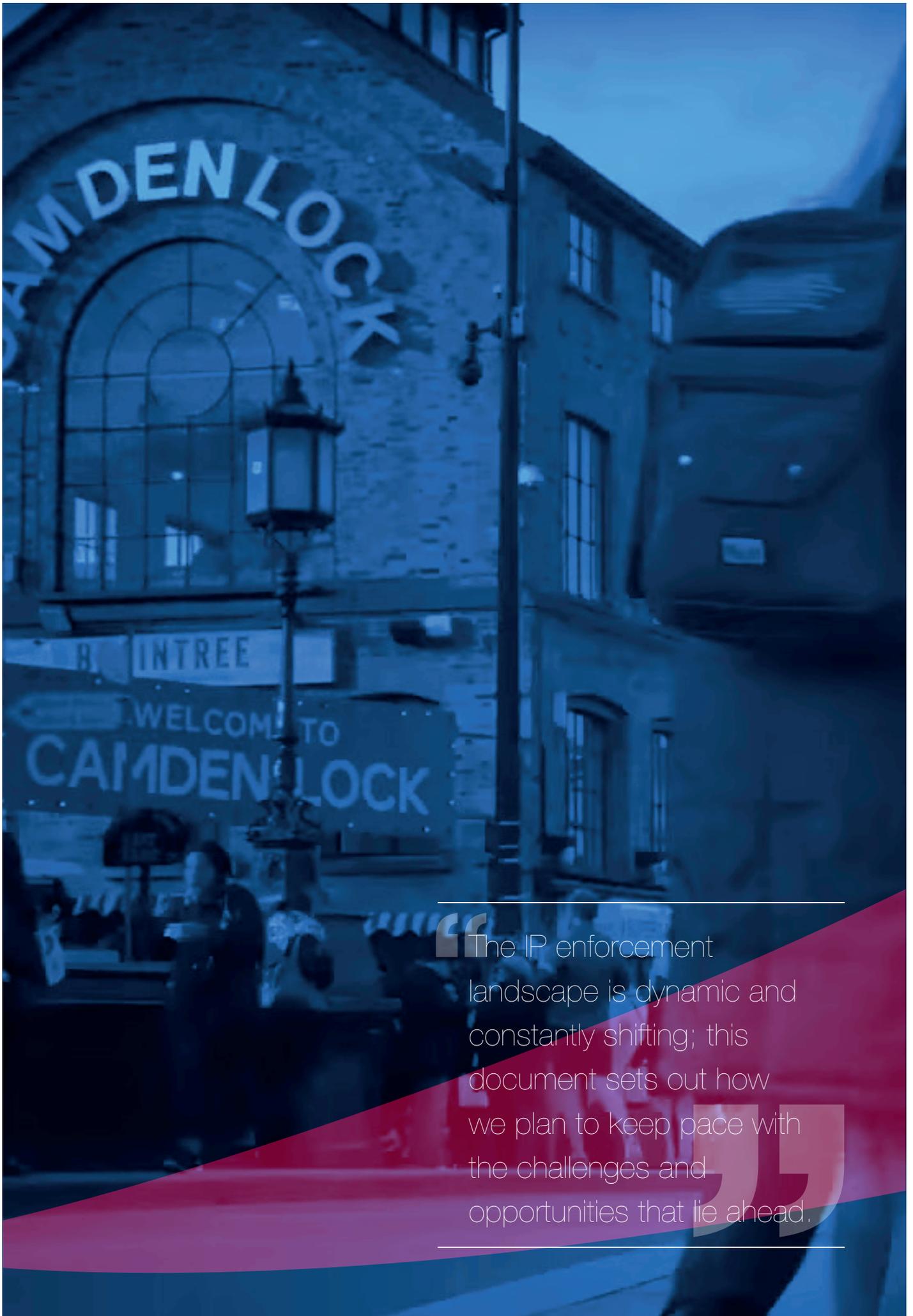


**Baroness Neville-Rolfe, DBE, CMG
Minister for Intellectual Property**



“One 2013 study suggested that as much as 39% of GDP across the entire EU was derived in some way from IP-intensive activities.”





“The IP enforcement landscape is dynamic and constantly shifting; this document sets out how we plan to keep pace with the challenges and opportunities that lie ahead.”

Introduction

The UK Government has been working closely with partners in industry and law enforcement to address the multiple and growing challenges posed by IP infringement and counterfeiting. Over recent years we have created or supported environments where UK businesses are able to operate fairly and effectively at home and abroad and where consumers seeking legitimate goods are increasingly able to access these at a time and in a format of their choosing.

But we are not complacent. It is clear that as technology develops and new avenues for accessing goods and services become available, the Government will need to continually evaluate and reassess our actions to ensure they continue to tackle the most serious acts of IP crime and infringement.

The purpose of this document

The purpose of this document is to set out the Government's updated strategy on IP enforcement – a strategy that will inform activity for the period up to 2020.

The specific goals and items described in this strategy are intended to deliver commitments made in the Conservative Manifesto (2015). Specifically, the Manifesto pledged to:

- protect IP rights by continuing to require internet service providers to block sites that carry large amounts of illegal content; and
- build on voluntary anti-piracy projects to warn internet users when they are breaching copyright.

The commitments in this strategy are also intended to ensure that the UK remains a world leader in enforcement, and that UK rights holders are able to

protect their rights effectively both at home and abroad.

The UK has already made significant strides towards developing solutions to the problems brought by infringement and the sale of counterfeit goods. As the focus switches to Europe, the creation of the Digital Single Market, and the review of the IP Enforcement Directive, this Strategy identifies how the UK Government intends to provide leadership and to actively pursue an approach that will ensure that UK rights holders and businesses will be able to protect their IP across the European Union.

Many of the activities in this strategy will be delivered by the IPO, but others will require extensive work with other agencies, parts of national and local Government and international partners, as well as individual rights holders and their trade bodies.

The IP enforcement landscape is dynamic and constantly shifting; this document sets out how we plan to keep pace with the challenges and opportunities that lie ahead. But we are not naive. The fast pace of technological change and the many opportunities this creates means that we will need to be flexible in responding to the challenges this throws up and be willing to use all avenues at our disposal, including legislative change, where warranted.

Definitions

IP infringement may be defined as “*the carrying out of acts restricted by intellectual property legislation without the permission of the rights holder*”. Restricted acts include copying, manufacture, offering for sale, importation, publication or communication by digital means.

Intellectual property legislation in the UK includes The Registered Designs Act 1949, The Patents Act 1977, The Copyright, Designs and Patents Act 1988 (CDPA) and The Trade Marks Act 1994. Rights provided by this legislation include registered and unregistered design rights, patent rights, copyright and trade marks.

Infringement of an IP right may range from manufacturing technology protected by a patent to selling counterfeit items, or copying a film and making it available online. Depending on the type of right involved, and the activity concerned, infringement may attract either civil or criminal sanctions. There are also related provisions in common law, for example the tort of passing off, which may apply in IP cases.

In the UK civil remedies are available for the infringement of all IP rights, and may include injunctive relief as well as claims for damages. In the case of registered design rights, copyright and trade marks, there are also criminal sanctions available, usually applicable in cases of deliberate infringement for commercial gain. Not all cases that fall within criminal law provisions will be dealt with as criminal offences, and in reality most disputes are tackled privately via the civil law. There have however been increasing instances in recent years of rights holders taking forwards private criminal prosecutions, usually in trade mark and copyright cases.

Sectors commonly subject to criminal IP infringements include clothing, footwear and accessories; medicines; luggage and handbags; games and toys; computers and automotive parts; watches and jewellery, as well as music, film and publishing.

IP infringement is often categorised further as ‘counterfeiting’ or ‘piracy’.

Counterfeiting usually refers to the manufacture, importation, distribution and sale of products which falsely carry the trade mark of a genuine brand. Counterfeiting may also include the deliberate copying of registered designs.

Counterfeit goods and parts are readily available in markets, shops and online both from suppliers in the UK and directly from sources overseas. Anything that has added value from its trade mark is counterfeited – from boxes of matches to complex vehicle parts, pharmaceuticals and cosmetics. Enforcement agencies also see products which are copies of registered design rights.

Counterfeiting thrives in a global market using the low-cost manufacturing capabilities, modern freight shipping facilities and the instant communications and payment systems that facilitate legitimate trade. Demand is limitless, and the number of intermediaries involved is often large thus adding further complication to enforcement.

Piracy is usually used to refer to the copying, distribution and importation of infringing copyright works.

Piracy today most commonly takes place online, with infringing copies of music, films, TV shows and e-books being shared in large volumes through file sharing websites and illegal streaming services. While some sectors, such as video games, have had some success in tackling piracy through the development of business models utilising online verification and controlled hosting of content, the ease of sharing digital material online and the speed with which it proliferates continues to present real challenges for the audio-visual sector amongst others. Physical piracy, including the sale of infringing optical discs (CDs and DVDs) continues to be an issue in some areas, and the illegal recording of films in cinemas (Camcording) still takes place to feed the demand for pirate content.

As with counterfeiting, piracy thrives on the same infrastructure that supports the provision of legitimate content online. Fast internet connections, cheap high capacity web hosting and effective search engine optimisation all allow pirate websites to remain visible to internet users and to provide high volumes of infringing content. Revenue from legitimate advertising also plays a key role in supporting many pirate websites that would otherwise have no source of income.



International Trade – locally enforced

A global sportswear brand approached the Intellectual Property Office with a problem relating to the movement of many thousands of pairs of counterfeit training shoes.

The case presented a particular challenge, because the goods had already been cleared by customs in another member state and were in free circulation within the EU, thus reducing the ability of the UK Border Force officials to detain the shipment under EU regulations.

Following work by the IPO's Intelligence Hub, a bulletin alerting the UK Border Force to the problem was circulated. As a direct result of the bulletin, 90,000 pairs of training shoes were detained by Border Force and held for inspection by local Trading Standards staff who were able to use their powers to seize the goods as counterfeit. Shipping documents were later found to list genuine companies as recipients of the consignments, but the companies themselves claimed to have no knowledge of ordering the goods.

In total, with other detentions 111,000 pairs of training shoes were seized and destroyed with an estimated retail value of £12.5m. Further intelligence developed in partnership with the brand has resulted in follow up operations where another 70,000 pairs were seized.

- Identify shipments
- Detain for inspection

- Alert partners to problem
- Develop and share intelligence

- Inspect detained goods
- Provide IPO with intelligence for further work

Border Force

IPO

Trading Standards



■ UK Government
 ■ UK Law Enforcement
 ■ International
 ■ National Bodies
 ■ Industry

The IP enforcement landscape: An overview

The Intellectual Property Office (IPO) is the Government agency responsible for ensuring that the framework exists to enable businesses and individuals to protect and enforce their intellectual property rights. The IPO itself has no direct enforcement powers (unlike the Police or Trading Standards officers), but instead provides strategic leadership by developing policies, ensuring the legal framework is fit for purpose, coordinating activity, and supporting operational enforcement activity through the IPO Intelligence Hub. IP enforcement also runs right across national and local Government, with the Department for Culture, Media and Sport, the Ministry of Justice, the Crown Prosecution Service, the Department of Health and the Home Office all having a key role to play, as well as the Local Government Association, local authorities and Police and Crime Commissioners.

Nationally, Trading Standards and the Police are the two key agencies involved in the reporting and recording of IP crime. Fraud reporting is dealt with through a public interface called Action Fraud which links with the Police via the National Fraud Intelligence Bureau, while Trading Standards use the public interface provided through Citizens Advice.

The IP enforcement environment is complex, with multiple agencies involved in the fight to stem counterfeiting and infringement, both nationally and internationally. As part of its coordination role, the IPO works to join up the dots and ensuring information reaches the right agency at the right time.

Recently, the IPO's work has helped to inform a number of interventions designed to benefit UK businesses, such as the reforms to the Intellectual Property Enterprise Court (IPEC) and the creation of the Police Intellectual Property Crime Unit (PIPCU). Between 2010 (when the reforms started) and 2013 (latest data available) there has been a 150% increase in cases heard annually by IPEC, while PIPCU has:

- investigated more than £33 million worth of IP crime;
- suspended over 8,000 internet domain names;
- seized more than £3 million worth of suspected fake goods; and
- diverted more than 11 million visits from copyright infringing sites.

In support of our businesses overseas, the IPO is working to establish effective national regimes, thereby enabling a level playing field for enforcement of IPRs. A 2014 UKTI survey found that 1 in 4 UK businesses were deterred from entering an overseas market due to the risk of IP theft. There are many reasons for this nervousness: the cost and frustration of navigating very different IP rules, paucity of information about registering rights, and clarity around application procedures feature alongside legislative and administrative challenges. But some businesses have also said that even when they put IP protection in place they encounter many difficulties in enforcing them. These issues appear both in relation to civil infringement cases such as in patent or trade mark infringement and in criminal cases where there has been deliberate counterfeiting and piracy.

IPO has worked with a number of international partners to address these issues through meetings, seminars, high-level discussions and practical projects. We have also provided practical training and engagement for IP enforcement practitioners. In conjunction with the Foreign and Commonwealth Office we have created a practical enforcement toolkit for the training of police and customs officers at the National Police Academy in India. We also coordinate and facilitate business-to-business interactions in order that companies may discuss IP issues and agree between themselves how to tackle infringement.

PIPCU has also supported our efforts to influence the way other countries approach and respond to IP crime. As a result of work in India by City of London Police, senior politicians are interested in the UK approach to tackling online IP crime and Telangana state in South India have now formed a unit based on the PIPCU model.

The IPO works with the World Intellectual Property Organization (WIPO), the European Commission and through bilateral arrangements with other member states to share best practice, intelligence and resources to assist in the fight against IP crime and infringement. In partnership with Interpol, the IPO contributes to training and development of cross agency working to combat IP crime throughout the ASEAN region. IPO and UK Trade & Investment have provided direct training to Indonesian law enforcement and are working with Vietnam in the same vein. In China the IPO is working with the Police and Customs on joint operations aimed at disrupting organised crime. In addition, we have also responded to the global nature of the IP enforcement challenge by building a network of specialist IP attachés embedded in key overseas markets. To date, our attachés based in Brazil, India, China and SE Asia have delivered practical help, support and IP protection to 14,000 UK businesses, helping to protect an estimated £440 million worth of IP assets for UK businesses.⁹



UK IPO attachés provided advice and support in 2014/15 to over **4,200 businesses** operating or preparing to operate in overseas markets.

“The IPO works with the World Intellectual Property Organisation (WIPO), the European Commission and through bilateral arrangements with other member states to share best practice, intelligence and resources to assist in the fight against IP crime and infringement.”

⁹ IPO press release, March 2016

These, and other actions taken with our partners have helped to ensure that the UK continues to rank highly in independent international assessments. According to two recent surveys the UK is now “the highest-ranked country for IP enforcement and a global leader” in the field, with “the best IP regime in the world”.¹⁰ These successes have helped create environments where UK businesses are able to operate fairly and effectively at

home and abroad, as illustrated by the UK’s rise from fifth to second in the Global Innovation Index (GII) between 2012 and 2015. The UK is now second only to the USA among high-income countries in terms of ‘innovation quality’, which the GI measures “by university performance, the reach of scholarly articles, and the international dimension of patent applications”.¹¹

¹⁰ US Chamber of Commerce, 2016, and Taylor Wessing, 2014

¹¹ US Chamber of Commerce, 2016, and Taylor Wessing, 2014

Seller of counterfeit DVDs sentenced

Adeel Arshad, 33 of Bordesley Heath in Birmingham was sentenced to two years for Copyright infringement, following a joint Police Intellectual Property Crime Unit (PIPCU) and Federation Against Copyright Theft (FACT) investigation. The judge also ordered the destruction of all the material Arshad used to carry out the offence including DVDs, computers and phones.

In September 2013, investigators from FACT identified that Arshad was selling counterfeit DVDs via an anonymous tip off to Crimestoppers from a member of the public.

The joint investigation then identified that Arshad, had set up a number of eBay accounts to sell over 2,000 mainstream counterfeit DVDs on the internet, including titles such as Game of Thrones, Boardwalk Empire, Criminal Minds and Breaking Bad. The total revenue from these accounts

totalled approximately £100,000. The most expensive single item in his sales collection was season 10 of NCIS worth £69.

Officers executed a search warrant at Arshad’s home address on 13 September 2013 during which he was arrested alongside another man.

Counterfeit DVDs worth in the region of £40,000 were located and seized at the address along with £350 in cash. A franking machine was also recovered which directly linked the fraudulent box sets to the address via the machine’s unique serial number.

Arshad was subsequently charged, and then sentenced in absentia when he failed to return to surrender his passport. The second man arrested also failed to return on police bail and enquiries to establish the whereabouts of both men are currently ongoing.





Alibaba/CBBC



Alibaba in China is the world’s largest e-commerce company, with sales exceeding the global transactions on Amazon and eBay platforms combined. Alibaba by itself accounts for the majority of China’s booming e-commerce market.

Unfortunately, as with most other trading platforms, some IP criminals began using the platform to trade in counterfeit goods. Given the volumes of business carried out on the platform, especially on a business to business basis, these sales very quickly became significant enough to be problematic.

In 2014 the China-Britain Business Council (CBBC) and the Alibaba Group signed an agreement to tackle counterfeit goods sold on Alibaba e-commerce platforms. The agreement aims to help UK companies remove counterfeit goods from all Alibaba platforms, and to work constructively with Alibaba to develop enhanced IP protection systems.

The main achievements of the agreement to date include:

- A criminal enforcement campaign covering 6 Chinese provinces, which dismantled a network producing counterfeit engine lubricants. The network was uncovered by a joint operation

between Alibaba, British businesses and Chinese law enforcement. A series of criminal prosecutions related to the cases are now being heard in the Chinese courts;

- Upgrading of Alibaba search filters to pre-emptively block copycat and infringing products from reaching consumers;
- Development of new, fast track processes to remove products which infringe patent and design rights; and
- Solving dozens of other contentious problems brought forward by British companies, including guiding small and medium-sized enterprises through “Ali-Protect”, Alibaba’s in-house IP protection system

Work is now proceeding to ensure that the lessons learnt from these successes are incorporated into “business-as-usual” on Alibaba websites, and to extend the model of successful cooperation to other Internet companies in China.

We will work to ensure the UK continues to provide a world class IP system, while recognising the challenges of maintaining a world leading position in the context of global IP protection.

There are some encouraging signs that the actions to address IP crime and infringement are having an impact at local level. The National Markets Group's Real Deal initiative, for example, has led to the seizure of over 30,000 counterfeit items and over 400 markets have signed up to the Real Deal Charter to tackle the sale of counterfeit goods on market stalls. The Anti-Counterfeiting Group has worked with 40 Trading Standards authorities and 13 Police Forces throughout the UK to tackle local IP hot spots.



In 2014 the BPI seized **385,078** CDs and **15,217,916** digital tracks.

During 2014/15, operational successes achieved by law enforcement and industry groups included:

- the Police Intellectual Property Crime Unit (PIPCU) making 37 arrests, bringing the total to 52, with over £3 million worth of fake goods seized since September 2013;
- collaboration between National Markets Group and Camden Market to tackle the open sale of counterfeit goods to visitors and local consumers;
- Operation Watch identifying 30,000 individual images of counterfeit goods on Facebook; and
- two individuals behind Dancing Jesus, an illegal music forum, being sentenced at Newcastle Crown Court to four years and five months in prison.

Also in 2014/15:

- The British Phonographic Industry (BPI) seized 385,078 CDs and 15,217,916 digital tracks;
- The UK Border Force detained over 1.6 million IPR infringing items with a retail value of more than £56 million;
- UK IPO attachés provided advice and support to over 4,200 businesses operating or preparing to operate in overseas markets; and
- The UK Publishers Association requested Google to remove 1.75 million URLs from its search results, which were providing unauthorised access to copyright protected material.



Operation Pangea is an Interpol coordinated Internet Week of Action, involving Customs agencies around the world. During 2014 **35,206** parcels were seized worldwide, containing **9,695,815** doses of medicine.

“The evidence from Trading Standards indicates that there are strong links between IP crime and benefit fraud, organised crime, drug dealing and violence – and this has a real impact on the safety of individuals and communities.”



IP Crime and infringement: The scale and the challenge

There are strong emerging trends that continue to pose a major threat to IP rights, including increased sales of high-value counterfeit items such as handbags, watches and electrical appliances, and strong growth in the use of social media to facilitate access to counterfeit goods. More and more consumers are also turning to the internet to source both legal and pirated copyright content, legal and illegal audio-visual streams and genuine goods as well as counterfeited items. As demand for faster and cheaper access to content and goods grows, criminals are finding newer and more innovative ways to meet that demand. Additionally, changes in consumer behaviour make it difficult to fully measure the scope and scale of IP crime in the UK, or to know whether or not we are seeing a genuine reduction in criminal activity. Similarly, the global nature of the internet increases the challenges and complexities involved in measuring and addressing IP infringement and counterfeiting.

IP crime takes place locally, national and globally, but its consequences are more often felt close to home. Trading Standards authorities deal with the consequences of IP crime every day; four out of five of them have found IP infringing activities taking place in ordinary high street shops, and over half have caught IP criminals operating out of private residences. Car boot sales, street stalls, markets, pubs and clubs also continue to be IP crime hotspots.

The evidence from Trading Standards indicates that there are strong links between IP crime and benefit fraud, organised crime, drug dealing and violence – and this has a real impact on the safety of individuals and communities. Criminal trade also drives out legitimate traders, leading to reduced levels of investment and prosperity in local areas and reduced opportunities for local employment.

Other types of harm caused by IP crime include:

- Harm to consumers – directly through dangerous goods, and indirectly through the consequences of sub-standard products;
- Disruption of community wellbeing by the domination of criminal activity;
- Economic harm to rights-holders and allied industries supporting legitimate trade, plus unfair competition to legal traders and loss of revenue to Government in terms of tax and duty payments;
- The involvement of serious and organised crime that benefits from substantial profits; and
- The use of IP crime to fundraise for terrorist activity.

TOP 5 links to other criminality



Benefit fraud



Money laundering



Organised
crime groups



Violence



Drug dealing

Understanding the full scope of the problem and the extent to which current interventions are having a positive impact is crucial in the fight against IP crime and infringement.

Scope and scale of the problem: evidence limitation

Evidence supporting the true scale and scope of civil IP infringement and IP crime in the UK is relatively limited, thus making it more difficult to identify trends and target them accordingly.

The Ministry of Justice releases data on the number of individuals cautioned and found guilty under the Trade Marks Act and the Copyright Designs & Patents Act. We believe many IP offences are prosecuted under fraud legislation and as a result these offences are not being recorded as IP crimes.

Statistics published by the Ministry Of Justice, show that in 2014, 456 people were found guilty of offences under the Trade Mark Act (TMA) and 61 under the CDPA, compared with 469 and 100 in the previous year. Twenty people were cautioned for TMA offences in 2014 and nine for CDPA offences, compared to 39 and 14 in 2013. But whether these figures point to a real reduction in IP crime is difficult to tell.

Similarly, since reforms were made to the IP Enterprise Court (IPEC) we have seen an incremental increase in civil cases before the court. But data relating to IPEC cases is very limited. At the local level, the number of regional authorities supplying data to the annual IP Crime Survey of Trading Standards varies year to year, depending on priorities. Without a statutory obligation for reporting IP crime this situation is likely to continue.

To improve the recording of IP crime, we need to make it easier for instances of IP crime to be reported by the public, and for existing IP crime databases to be aggregated thus giving law enforcement a more holistic picture. We are working with partners in the UK and internationally to build this evidence base that will help law enforcers and businesses enforce their rights.

But there are other gaps in our knowledge on IP infringement and crime. The IPO is committed to increasing the evidence base on the level of IP crime and has commissioned a number of studies looking at online copyright infringement and the level of design infringement. While it will always be difficult to get accurate data, it is important we understand the trends in infringement levels.

The IPO already facilitates the publication of an annual IP Crime report, looking at trends in IP crime and enforcement activity. There is however a need for a broader overview, giving an annual snapshot of the situation with regard to civil infringement and criminal activity, as well as successes in tackling both and the best available estimates of the economic impact.



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Absolute
Vodka

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Strategic commitments and objectives

It is clear from the preceding discussion that IP infringement is complex and multi-faceted. Therefore our approach to addressing these problems must be multi-pronged. It is important that we continue to educate consumers and ensure that the legal framework is fit for purpose. We also need rights holders and service providers to ensure that there are easy routes to accessing legal content to discourage piracy, and we need to engage more widely at a local and national level, to ensure that enforcement remains a priority.

To meet the challenges ahead we will concentrate future actions in the following key areas:

1. Reducing the level of illegal content online.
2. Tackling the trade in counterfeit goods.
3. Further strengthening the legal framework to facilitate easier access to justice.
4. Increasing education, awareness and building respect for IP.
5. Making it safer for UK rights holders and businesses to trade internationally.
6. Improving the evidence base.

In the remainder of this document we set out the actions we will take with our partners to deliver on the commitments set out above.

“We also need rights holders and service providers to ensure that there are easy routes to accessing legal content to discourage piracy.”

1 Making the online world a place of legitimate activity for UK businesses and consumers

Our ambition is to develop a range of clear, well-evidenced online interventions and sanctions that guide consumers to legal content and deter criminals. We will support voluntary codes of practice to ensure all parties understand their responsibilities in helping to eradicate IP crime and infringement online. To achieve these goals, we will focus on:

- Making it easier for consumers to recognise and avoid copyright-infringing websites by:
 - Reviewing notice and takedown procedures to improve and streamline the process and consider the scope for introducing a Code of Practice for intermediaries.
 - Examining the scope for introducing a system of notice and trackdown to enable rights holders to take action directly against the identified infringer.
 - Pushing within Europe for clarification of the current EU rules around platform liability and improving the current system to allow rights holders to more effectively protect and legitimately exploit their copyright.
 - Developing our understanding of the challenges posed by set-top boxes and IPTV (Internet Protocol Television), and work with partners to tackle this emerging and fast growing method of infringement.



Federation Against Copyright Theft's investigations into illegal access to subscription TV services increased from **6% to over 18%** in 2014/15.

The availability of legal sources of content is important in changing consumer behaviour because, after price, the availability is often cited as a reason for consuming infringing content. In recent years there has been significant growth in the development and rollout of comprehensive legal services, including those offered by Deezer, Netflix, and Spotify.

In the UK consumers have access to all major legal services. For example, the Pro-Music data which is compiled by IFPI shows there are 53 legal online music services available in the UK. We will work with intermediaries, rights holders and trade bodies to highlight all the UK's legal sources of content.

Alongside this, we will work with search engines and social media platforms to actively reduce the availability of illegal content by undertaking a review of the effectiveness of the current notice and takedown procedures. We will also consider the options to increase the scope for rights holders to challenge infringers through a system of notice and trackdown. This review will also consider whether Codes of Practice should be introduced.

- Supporting legitimate websites by:
 - Encouraging our international partners to carry out domain and hosting enforcement action where UK interests are affected, and reciprocating where other countries' interests are affected (this will include exploring with European colleagues the options for mutual recognition of the evidence required for injunctions and court orders in various member states).
 - Championing financial investigations in IP cases and encouraging enforcement agencies to use the Proceeds of Crime Act (POCA) to ensure criminals do not benefit financially from their activities.
 - Ensuring that effective sanctions are available through the courts and that criminal sanctions for online copyright infringement are as effective as those for physical goods.

Advertising plays a prominent role in supporting illegal sites. We are working with industry and law enforcement partners to reduce the risk of advertising supply chains being broken.

The creation of the Infringing Website List (IWL), an online portal containing an up-to-date list of copyright infringing sites, identified and evidenced by the creative industries and verified by the City of London Police, is having a significant impact. Since the PIPCU launched the IWL in 2013, there has been a 73% decrease in advertising from the UK's top ad spending companies on IWL copyright infringing websites.

We will continue to work with brand advertisers, advertising intermediaries and law enforcement partners to highlight the value of the IWL and will support groups such as the Digital Trading Standards group (DTSG) in promoting their UK good practice principles.

Building on the 'follow the money approach' to make it more difficult for illegal websites to obtain funding, we will seek commitments from payment service providers to make it easier to remove services when they are notified by law enforcement.

2 Tackling the trade in counterfeit goods

Tackling the trade in counterfeit goods requires the cooperation and coordination of a wide range of enforcement partners. For example, we recognise there are opportunities to work with the Local Government Association, local authorities and Police and Crime Commissioners to ensure that the harm caused at a local level is understood and enforcement is prioritised accordingly. IPO has a key role to play in acting as the focal point in the UK for collecting data on trends and emerging issues, and working with our partners to find appropriate ways to address these issues. We will build on our current work in this area, to provide a coordinating and supporting role to those bodies on the front line. We will do this by:

- Continuing to provide a dedicated intelligence hub to support the delivery of key objectives under the Home Office Serious and Organised Crime Strategy.
- Continuing to invest resources in helping those countries identified as key sources of counterfeit goods improve their IP laws, identify criminals and stem the flow of illegal goods to the UK.
- Encouraging the use of the UK Poise framework – a framework for future IP enforcement initiatives created by IPO – among international organisations such as Europol, Interpol, OLAF, EUIPO and the UN to help protect IP rights in the UK.
- Helping to develop broader disruption measures with law enforcement agencies and regulatory authorities to make IP crime less attractive for criminals. This includes encouraging the increased use of POCA in IP investigations to ensure that money spent in the UK on counterfeit goods is identified, seized and assets removed from criminals, and work with HMRC to tackle unpaid tax and duty on IP infringing goods, for the benefit of the UK treasury.

The movement of counterfeit goods into the UK and the EU represents substantial logistical problems in terms of volume, especially at postal and parcel hubs. Project Poise seeks to disrupt the entire supply chain and extend the point of discovery beyond our borders so the flow is reduced, but every effort is being made to improve the efficiency and effectiveness of Border Force resources to maximize the capability of intervention there.

A key driver for change is the ‘One Government, One Border’ strategy focused on streamlining import and export procedures to support economic growth in the UK. Close engagement with this will lead to better enforcement across the many agencies that have responsibilities at borders.

The scope and procedural requirements of the current EU customs IPR enforcement legislation have an impact on the extent of interventions at UK ports.

We will investigate ways of simplifying and enhancing opportunities for interventions and powers to seize counterfeit goods at the UK border. This will include examining the roles and responsibilities of rights holders, the administrative and recording requirements and the use of enhanced technology.

The sharing, analysis and use of data and intelligence from border interventions, foreign sources and inland resources will be used to maximize the potential of subsequent action in the UK and beyond to contribute to stemming the flow of counterfeit and infringing goods.

It has also been shown that profits from IP crime are sometimes used to fund terrorist activity. We will continue to develop our understanding of this issue, and pursue work with partners across government to disrupt this mechanism.



Freight Forwarding Company

Following information from a sports brand and Her Majesty's Revenue and Customs, a freight forwarding company was identified as a suspected courier and distributor of counterfeit goods.

Grey Management Limited (GML), based near Heathrow stated its business as importing and distributing newspapers among the Chinese community in the UK. The low value and high volume of goods was covered by approval to bulk declare goods, enabling a lower level of oversight by Border Force. The IPO's Intelligence Hub worked with the rights holder to further develop the intelligence and a package for enforcement was prepared.

The case, investigated by the South East Regional Organised Crime Unit (SEROCU) then identified traders buying goods from GML. Two traders were targeted, confirming the supply of counterfeit goods, and the onward supply by the individuals. In searching the suspect's premises, SEROCU seized £52,000 in cash, vehicles and computers attributed to the criminal lifestyle.

The director of GML, Florence Tan, was arrested and charged. As a result of the evidence obtained, the company had their ability to bulk declare imported goods removed, effectively closing down the company.

At court Florence Tan pleaded guilty and received a suspended prison sentence. At the subsequent proceeds of crime hearing, a further £50k was awarded to SEROCU as a result of Tan's activities.

3 Strengthening the legal framework

We will comprehensively review all existing methods of legal recourse for IP infringement to ensure they are effective, consistent and proportionate across all IP rights. We also want to ensure that UK business and rights holders continue to have the necessary legal means to protect their IP, as well as ensuring that effective action can be taken against criminality.

Increasing understanding of how the court system works and what elements make for a successful outcome will be an important part of any decision to sue, especially for small businesses and lone creators. We will continue our work to support businesses of any size to navigate and utilise the civil court system by improving the guidance that is currently available, including guidance on the minimum levels of evidence required for website blocking orders, and by ensuring that court judgments and cases are published on a regular and consistent basis. We will continue to work with private and public sector partners to monitor the effectiveness of injunctions, and champion their use where necessary. We will engage with the Scottish Government and Northern Ireland Executive, to assess whether there is sufficient demand to introduce an IPEC-style system in Scotland and Northern Ireland.

We recognise, however, that legal action costs, and that this can be especially prohibitive for small businesses and lone creators. We will therefore continue to monitor and champion the use of pre-litigation services to ensure that businesses and individuals are able to enforce their IP rights in a way that is cost effective. To achieve this we will raise awareness of the IPO Mediation Service and IP insurance products made available by businesses. We will also encourage and facilitate dispute resolution through the use of the IPO Opinions Services and mediation facilities.

In addition to this support, we will also consider the need for, and scope of, any potential legislation required to take action against a range of intermediaries to address the most persistent and criminal elements involved in counterfeiting and infringement. This could include:

- Looking at the case for introducing specific legislation to respond to the emergence of fulfilment houses (companies that specialise in warehousing and packing for others), which are increasingly being used to facilitate the sale of counterfeit, unsafe, smuggled and mis-described goods in the UK.
- Considering what legislation would be effective in addressing the growing problem of illegal streaming via set top boxes.

-
- Investigating the scope for legislation to take action against search engines, ISPs and platforms that facilitate or otherwise support those involved in infringement and counterfeiting.



Intentional copying of a design now attracts a maximum sentence up to **10 years imprisonment**.

Many UK stakeholders believe that, for the most part, the UK has an effective system for addressing infringement. However, stakeholders have identified a lack of consistency in approach across Europe and difficulties in accessing justice in some jurisdictions. As the European Commission examines whether or not the Enforcement Directive should be amended to address changes in technology, this presents an ideal opportunity to call for more effective enforcement across Europe. In doing so, we will work to ensure that EU level changes do not restrict UK courts use of injunctive relief against a range of intermediaries, including ISPs, search engines and platforms. We will also use this opportunity to push the IPEC model as possible best practice for other member states.

“We will continue our work to support businesses of any size to navigate and utilise the civil court system by improving the guidance that is currently available.”



The IPEC small claims track – a user's experience

In November 2013 Jonathan Webb of Webb Aviation discovered that a night aerial photograph, taken using a hired helicopter at a cost of £1800, had been used without his consent.

In Mr Webb's view this was exceptionally flagrant copyright infringement, highlighted by the fact that the infringer had removed all 33 of the copyright watermarks and then used the image as the background for every page of his business website. After the copyright infringer failed to pay, Mr Webb decided to take advantage of the recently introduced small claims track in the IP Enterprise Court (IPEC).

The case was heard in the court and Mr Webb was successful, being awarded a 500% flagrancy uplift in damages, plus costs. The undisputed licence value of the image in question was £300, so in total the court awarded £1800 and costs of £916.

Speaking about his recent experience of IPEC, Jonathan Webb said:

"For a small-time creative like me, IPEC has proven to be very effective and has changed the IP scene dramatically. In 2011 I was at the point of almost giving up and had significantly reduced my expenditure on stock photography in the UK. Once the IPEC small claims track opened, all that changed. Not only can I make some infringers pay for my work, but much more importantly, many of those who previously infringed are now buying a licence for my work."

"This has led to a big increase in normal sales, in addition to the extra infringement settlement income. This has saved my business from destruction and I am investing in photography once again."

The photographs below show the full image with copyright watermark and the black and white image as used by the infringers, with the watermark script ©www.webbaviation.co.uk removed.



©www.webbaviation.co.uk



4 Increasing education, awareness and respect for IP

We believe that by working with industry partners, law enforcement agencies and our stakeholders in the public and private sectors, we can have a greater impact on the way businesses and individuals understand, exploit and protect their IP. But it is not just about ensuring effective protection is in place and is widely used. We are also working with our partners to build respect for IP and to encourage consumers to choose legitimate options over illegal sources. Our aim, therefore, is to become the primary source of IP enforcement information in the UK.

- In support of these ambitions, we will focus on:
 - Continuing to provide advice and support to businesses, by:
 - Helping businesses through the UK PatLibs network at their 16 regional centres, the majority based in city centre libraries, to support, develop and increase understanding of IP enforcement.
 - Offering enforcement advice and information for business advisors through IPO workshops and IP Master Class training.
 - Delivering the IPO funded IP Audits Plus programme, including the enforcement of rights, aimed at businesses with growth potential.
 - Educating consumers to engender greater respect for IP rights, by:
 - Supporting industry in promoting the diverse sources of legal content available to UK consumers by promoting UK sites that aggregate sources of legal content, such as findanyfilm.com and getitrightfromagenuinesite.org. This extends at the European level where we are playing an active role in the EU's efforts to develop similar resources for each and every member state.
 - Encouraging and supporting industry partners in promoting greater respect for IP through products and services aimed at children and students, our future innovators, reaching teachers by providing IP education resources and lesson plans linked to the curriculum via the IPO's Cracking Ideas portal and supporting competitions.
 - Delivering enforcement information to university students via the IP Tutor tool.



Since the alliance for IP launched the Content Map in 2012 it has received over **100,000 visitors** looking to access digital content.

Reaching consumers and changing behaviour is challenging. We recognise that a small proportion of UK consumers believe it is acceptable to purchase counterfeit goods and to share copyright protected material without the rights holders' permission. To change attitudes we will improve the coordination of enforcement awareness-raising activities by Government, industry and consumer organisations using collaborative models to deliver effective messages such as those being delivered through the 'Get it right from a genuine site' campaign.

We will also work to improve collaboration with our international partners and will continue to support the Commission and the Observatory as they work to help EU consumers to better understand and respect IP.

Underpinning all these activities is the ability to measure our performance using robust and transparent indicators. This will be achieved through gathering evidence and feedback from our own activities, as well as obtaining direct feedback from partner organisations, stakeholders and customers.

The IPO already provides a comprehensive outreach and education programme, helping businesses to manage and best protect their IP right. These activities are having a positive impact, with our latest data suggesting that after attending our events:

- 77% of people now find easier to understand when to get permission to use someone else's IP; and
- 75% of people have a better understanding of what to do if their IP is used without their permission.



IPO bespoke training on new designs legislation reached a total of **302** Trading Standards Officers from across the UK.

We believe we can do more to help businesses appreciate the true value of their IP rights by being confident about enforcement. To do this we will:

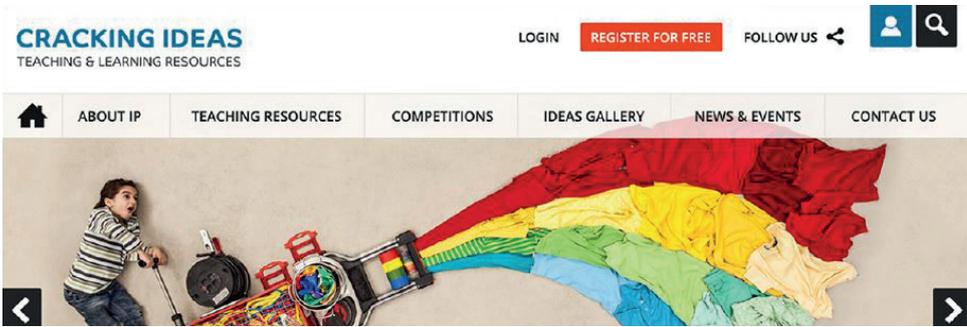
- Offer comprehensive enforcement advice and information at outreach events such as seminars, workshops and exhibitions throughout the UK.

- Offer more IP enforcement advice and information in blogs, tweets and via online interest groups through actions such as undertaking a comprehensive review and update of IP enforcement information on the gov.uk platform, commissioning enforcement themed blogs and active participation in online communities via sites such as Twitter, Facebook and Linked-in.

We also recognise that law enforcers, prosecutors and magistrates need to have a better understanding of IP legislation. To meet this demand we will develop an awareness programme that meet their individual needs. We have delivered bespoke IP training for Trading Standards officers for many years and will continue to work with officers to improve their knowledge and application of IP law through awareness roadshows and CPD accredited regional IP training.



Cracking Ideas portal



In today's connected environment, even very young people are IP consumers, accessing online digital content independently and regularly. They are also creators of IP and many will leave school or university to take up careers in industries that depend upon inventiveness and creativity. A basic understanding of IP and a respect for others' IP rights is becoming a key life skill.

Despite this, IP is too often ignored in our education system. For the Intellectual Property Office, ensuring that the next generation is equipped with the knowledge it needs to succeed in a competitive world and is motivated to respect the effort others have invested in developing new products, images or music, it is a key priority within their wider outreach work to build IP awareness.

To address this the IPO launched a new online hub (www.crackingideas.com).

Part funded by EUIPO, the portal gives teachers of Business Studies, Media Studies, PHSE and Music access to brand new online resources and toolkits for all ages that are designed to inspire innovation and improve the next generation's understanding of IP.

5 Increasing our international engagement

As mentioned earlier in this strategy, a 2014 UKTI survey found that 1 in 4 UK businesses were deterred from entering an overseas market due to the risk of IP theft. Whilst some of this trepidation arises from the challenge of registering and maintaining IP rights, conversations with UK businesses who are already operating abroad have revealed a great many questions and complaints stem from the enforcement challenges they face.

Working in collaboration with partners, such as the Foreign and Commonwealth Office, British Business Councils, local law firms and academic institutions where appropriate, and through our 4 specialist IP attachés (based in Brazil, China, India and South East Asia) we have undertaken a programme of engagement, aimed both at governments but also wider civil society – our aim here is to encourage a process where attitudes to IP are improved – this is often a slow process but has the greatest long term potential to permanently change attitudes. This influencing is facilitated through a series of meetings, seminars, high-level discussions and practical projects:

- Using economic evidence to set the context of IP infringement. This demonstrates that IP infringement and IP crime is not victimless, but has a real cost, for example in terms of loss of tax and other receipts, its links to organised crime, and the harm to consumers through dangerous products. We show the benefits of a fit for purpose IP system – its contribution to a country's economy – and try to explain that a well-functioning global IP system is in everyone's interests.
- Engaging at a high-level. Using senior Government interaction to reinforce our messages with international partners, and holding regular dialogues with our counterparts in key markets. We use these opportunities to set out what we see as UK best practice and leadership on enforcement issues.
- Providing practical training and engagement for IP enforcement practitioners (such as Police, Customs, and Trading Standards equivalent). This is provided through an appropriate mix of project-based external providers and UK experts in IP enforcement.



Law Enforcement toolkit in India



To address low levels of IP awareness among enforcement officers in India, the Intellectual Property Office worked with the Federation of Indian Chambers of Commerce and Industry (FICCI) to produce an Enforcement Toolkit. The Toolkit sets out what various IP crimes are under Indian law, the impact of those crimes, and the evidential standards required to secure prosecutions.

In the Indian market, survey feedback shows that UK business confidence is adversely affected by insufficient action to address counterfeiting. Development and delivery of training materials offers an effective way to support local enforcement activity, and can act as a basis for a wide range of engagement initiatives.

FICCI has used the toolkit to deliver IP awareness sessions to police, customs and the judiciary in Delhi, Hyderabad, Ahmedabad and Lucknow. Over 800 copies of the toolkit have now been distributed and it forms a key part of capacity building programs on IPR for police personnel across India, directly reaching over 500 officers. In addition the Indian Copyright Office has sent copies of the toolkit to all the State Governments and subsequently uploaded the document on its official Website for ready reference by police personnel across the country.

All of these activities will help UK businesses seeking to enforce their rights in India.

Over the period covered by this strategy we will continue this programme of work but also look for new opportunities to engage at a political and operational level in order to:

- Use our attaché network and our teams in the UK to build UK companies' confidence in using foreign IP enforcement mechanisms e.g. Chinese administrative enforcement systems.
- Work with British businesses and their industry organisations to pursue practical business-to-business solutions e.g. working with online/e-commerce marketplaces to provide easy to navigate and effective takedown and notification procedures for infringing goods.
- Share best-practice, provide practical training and offer advice to police authorities, enforcement agencies and the courts in key markets such as India and South East Asia.
- Partner with the Foreign and Commonwealth Office and UK Trade & Investment to give targeted advice on overseas IP enforcement to UK businesses, and provide individual support via our IP attachés where necessary.
- Produce business-friendly IP factsheets as part of our information and advice for businesses wishing to operate in emerging markets such as Turkey, South Africa and Mexico through the use of FCO and UKTI officers in country and literature and materials on our website.

Alongside this support to businesses seeking to protect their IP when operating overseas, we will continue to seek opportunities at the global level to ensure that IP is respected. As part of this we will continue to support the World Intellectual Property Organization by sharing UK experiences of IP enforcement at meetings of the Advisory Committee on Enforcement, and consider the scope for further collaboration under WIPO's 'Building Respect for IP' strategic goal. In Europe the key organisation in enforcing IPRs is the EU Observatory on Infringements of Intellectual Property Rights ('the Observatory'), based in the EU Intellectual Property Office (formerly the Office for Harmonization in the Internal Market). We will continue to work closely with the Observatory to deliver the projects set out in its annual work programme and seek opportunities for further close collaboration.

6 Improving the evidence base for IP enforcement policy

The IPO continues to work with partners in the UK and internationally to develop a programme of research to better understand the scope and scale of civil IP infringement and crime in the UK; and to understand what policy interventions, at Government and industry level, make a difference. We also believe that the publication of legal decisions relating to IP is vital to support litigators and IP rich businesses, and will be supporting action in this area following the current review of the IP Enforcement Directive. The steps we will take in these areas include:

- Developing a comprehensive scoreboard to be published annually and combining the available data on the prevalence of civil and criminal IP infringement, the outcomes of enforcement activity and the best available estimates of economic impact. In support of these measures we will:
 - Develop more accessible civil and criminal IP court data, by:
 - Delivering a comprehensive IPEC case database in partnership with the Ministry of Justice that meets the needs of all stakeholders.
 - Working with the Home Office to create subcategories within fraud reporting relating to Trade Marks, Copyright and Design.
 - Publishing IPEC claims data on an annual basis and continuing to publish criminal IP case data in the IP Crime Report.
 - Providing support to CPS prosecutors to encourage greater use of IP legislation when they undertake charging decisions.

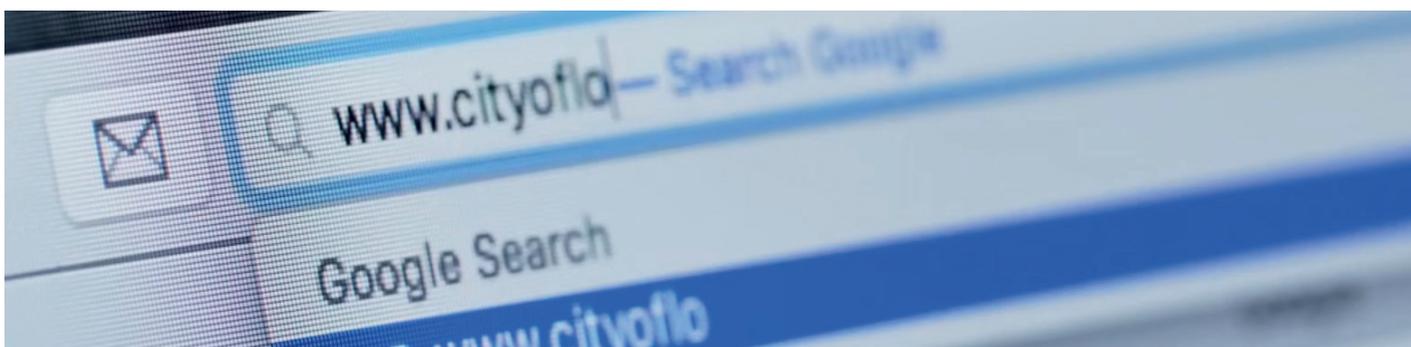
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reports were submitted by Crimestoppers to the IPO Intelligence hub in 2014-2015.

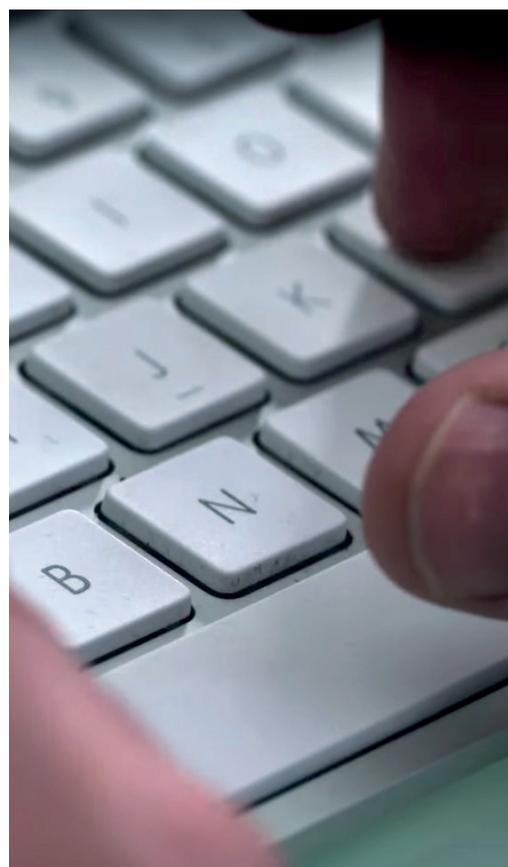
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- Make it easier to record IP offences, by:
 - Working with partners to join up existing databases that hold records of IP crime.
 - Improving the robustness of IP crime data reporting by promoting the crime reporting functions of Action Fraud, Crimestoppers and Citizens Advice.
 - Supporting the Observatory and OECD in their examination of the scale and scope of infringement, helping to establish a credible evidence base at the global level.

The IPO will develop a key time-line series to improve Government and industries understanding of how users and consumers access creative content. This builds on the UK's world leading Online Copyright Infringement Tracker (OCI), which is being mirrored in Australia to develop international comparisons; and a new Design Rights Infringement Survey which will provide unprecedented data on the use of design rights and users understanding of the design rights regime. The World Intellectual Property Organization (WIPO) has indicated an interest in using this approach. In support of this work, the IPO will:

- commit to long term investment in the Online Copyright Infringement (OCI) Tracker research with partners to evaluate the extent of online copyright infringement, as well as wider digital behaviours and attitudes among people aged 12+ in the UK;
- work in partnership with the Police Intellectual Property Crime Unit (PIPCU) to bring together researchers from crime policy and the digital space to develop a standard way for measuring the level of infringement across all of the IP rights;
- work with national and international partners to embed the IPO's standards of good evidence for policy;
- develop partnerships between Government, industry and academia where commercially confidential data can be shared;
- create an 'availability index' of counterfeit items and gather data from law enforcers and industry partners; and
- work with industry to promote the benefits of sharing IP enforcement data among industry and law enforcement partners – by showcasing the impact of website blocking orders and sharing insights into consumer behaviour change.



between March and June 2015
the number of copyright infringing
websites hosting gambling ads
dropped by 36%



“The IPO will develop a key time line series to improve Government and industries understanding of how users and consumers access creative content.”



Careers

About us

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Creative and IWL

e and the Infringing Website List (IWL)

a ground breaking initiative designed to detect and remove

Conclusion and next steps

It is our hope that this document has set out a compelling case for further work to tackle IP infringement, and has laid out the core elements of the approach we will take.

The focus on partnership working is key, but equally important is the broad scope of this strategy. Paying careful attention to every part of the enforcement framework will ensure that for all IP rights, and all types of infringing activity, there are enforcement options available which are effective, proportionate and accessible. The focus on outreach and building respect for IP will use the best evidence available to ensure that this is a shared endeavour, with government, rights holders and the public aligned in an understanding of the importance of enforcement, and joined up in their response.

Such ambitions are however nothing without a realistic plan for implementation and a commitment to delivery.

As the UK government agency responsible for IP policy in the UK, the Intellectual Property Office is committed to driving forwards the work outlined in this strategy over the next 4 years. Some of the commitments on previous pages might be considered ‘quick wins’ and will be delivered in the near term, but others will be challenging and may take the life of the strategy to make real progress.

Following the launch of this document, the immediate focus of work will be Europe in order to influence the current review of the IP Enforcement Directive. This will present a valuable opportunity for the UK to use robust evidence to influence the direction of European lawmaking, and to ensure that the ambitions in this strategy are properly reflected on the wider stage. In parallel with this there is an important strand of work to be done with the Courts and enforcement agencies to improve reporting and recording of information, and work with IP rights owners to better understand the issues they face. This work will ensure policy decisions are made on the best available evidence.

The UK will be looking to use the opportunity provided by taking on the Presidency of the European Union to deliver any outstanding deliverables from the current review of EU legislation in this area, and to influence other Member States through a programme of knowledge sharing and capacity building under the auspices of the Presidency.

“As the UK government agency responsible for IP policy in the UK, the Intellectual Property Office is committed to driving forwards the work outlined in this strategy over the next 4 years.”

In the medium term we will be looking to see results from the outreach and education elements of this strategy. These are areas where building the support and cooperation of industry partners will be vital, and will take time. Likewise it will take time to develop a clear and compelling message to consumers and others in a position to make behavioural changes which will impact on the demand for infringement, or the tolerance of unlawful behaviour in workplaces, markets and local areas. It is in this timescale that we hope to be able to see confirmation from robust research methodologies showing that the interventions delivered under this program are making a difference on the ground.

Delivery of the commitments made in this document will not be easy, especially at a time where there are many other calls on the resources of government and where competing priorities will rightly have to be weighed in the balance. But even though other challenges and threats will emerge over the next 4 years, this document presents a roadmap for partnership working, which if followed, will deliver an enforcement environment for UK rights holders which continues to support their creativity and investment, and keeps the UK at the forefront of IP enforcement globally.



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