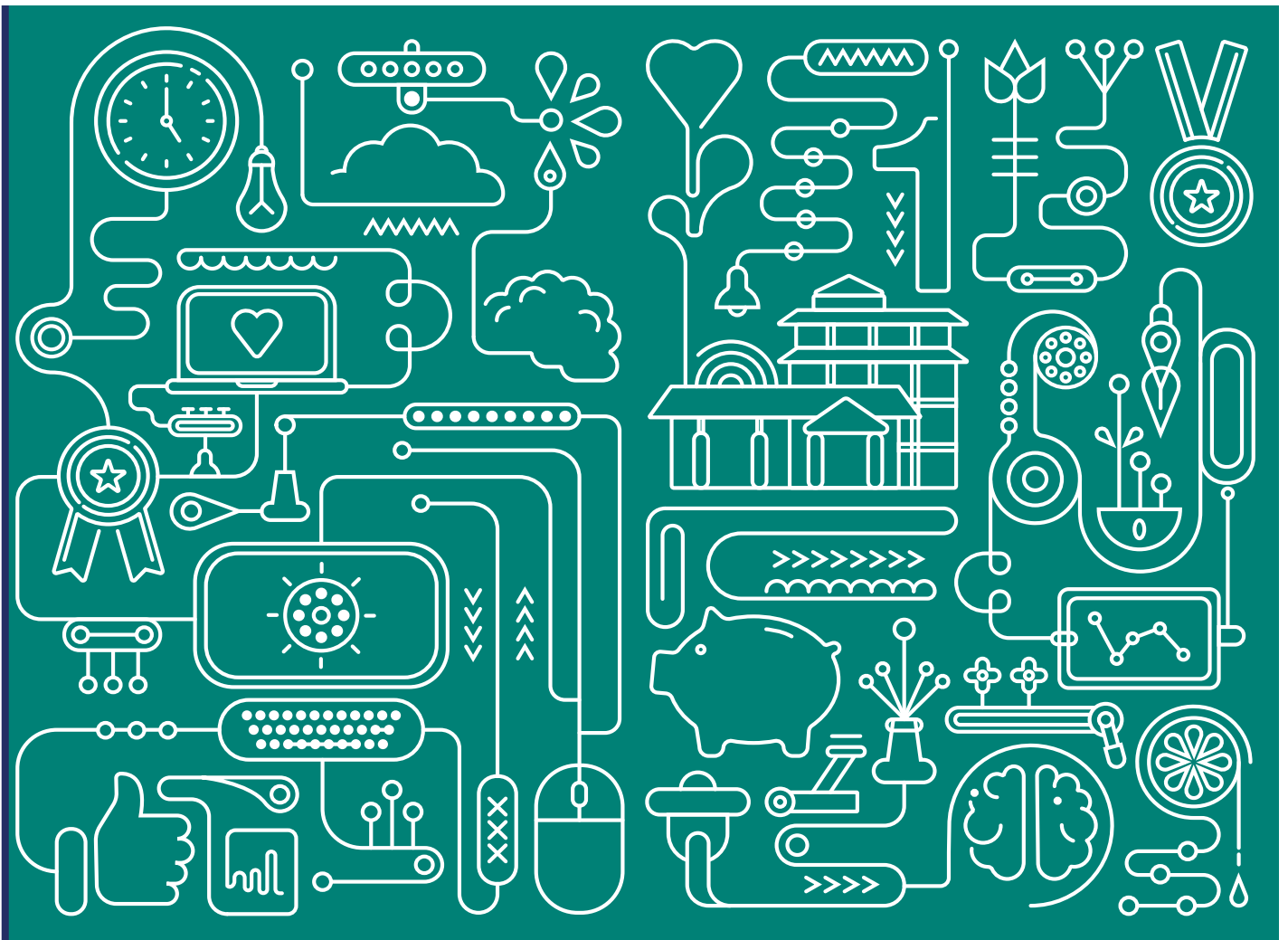




Intellectual  
Property  
Office

# Intellectual Property Counter-Infringement Strategy

2022 to 2027





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# Ministerial Foreword

Intellectual property (IP) underpins our economy. IP drives innovation and investment which, as set out in the government's Innovation Strategy, is vital to tackling the world's largest challenges, such as climate change.

There has been strong growth in patenting of green technology worldwide. Patents in wind power, hydrogen power and "green" vehicles have more than doubled in the last five years.

The UK is ranked 1st of the top 10 patenting countries worldwide in offshore wind power and greener buildings<sup>1</sup>.

Now, more than ever, we must support innovators as the UK looks to embrace the science and innovation that is at the heart of our post-pandemic economic plan to build back better. The last 18 months have been challenging for all of us but there are also opportunities that arise as the world begins to rebuild. This government is committed to helping every area of the UK build back better, and we are dedicated to making the most of our country's great strengths to deliver growth in all regions across the UK.

High-growth firms with at least one patent or trade mark created approximately 850 thousand new jobs during the period 2002-2009, that is approximately one out of every two jobs created during that same time frame<sup>2</sup>.

7% of total UK employment (2.0 million jobs) is attributable to industries that fall under WIPO's classification of copyright intensive<sup>3</sup>.

We are fortunate to start from an enviable position. We are already renowned for our leadership in research and our excellent scientific institutions that generate life-changing technological advances. We are home to many innovative businesses, from established global players to burgeoning start-ups. Our Research and Development (R&D) Roadmap has committed to unprecedented levels of public investment (a 30% increase) in R&D. And our creative industries are known around the world for their excellence in fields as diverse as music, cinema, literature and computer games.

Despite this success, we see more opportunity. So we want to do more to support those who create and invent. We want to build on our excellent reputation and strengthen the UK's position as a global science superpower. Our manifesto makes a clear commitment: we want the UK to be the best place in the world for inventors, creators and innovators to build on their ideas and find success. This ambition has only become more important as we move through this period of recovery and re-invention. And IP plays a fundamental role in these ambitions. IP rights give individuals and businesses of all sizes the confidence to develop something new, knowing they can reap the benefits of their work. They are the incentive to encourage us all to innovate and create, to help strengthen our economy and enrich our society.

Infringement of IP does the opposite: it undermines the confidence that IP rights give a business, it damages the economy and can have grave impacts on the health and safety of consumers. At a time where the world is recovering, we must do more to protect consumers and encourage the innovation of individuals and businesses by ensuring that we are doing everything we can to help them protect their creations. That is why we are more committed to the fight against IP crime and infringement than ever before.

1 <https://www.gov.uk/government/collections/intellectual-property-research-patents>

2 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/311786/ipresearch-ipbundles-report2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/311786/ipresearch-ipbundles-report2.pdf)

3 <https://www.gov.uk/government/publications/use-of-intellectual-property-rights-across-uk-industries/use-of-intellectual-property-rights-across-uk-industries#ip-intensive-industries-and-the-economy>

The UK has consistently been credited with having [one of the best IP enforcement regimes in the world](#), but this government is committed to further improvement. Leaving the EU creates opportunities for us to be more agile and to be more ambitious globally. Now is the time to ensure that we not only strengthen our robust IP enforcement regime, but that we continue to lead internationally so we can tackle the global challenges and take advantage of new opportunities that will come our way.

We are building on substantial past achievements, for example:

- our work with intermediaries such as search engines, online marketplaces, social media platforms and advertisers, developing voluntary agreements to make infringing material harder to find, easier to take down and to reduce the flow of advertising money to infringing websites
- our world-leading research into infringing behaviour, helping us understand what drives it and how it is facilitated
- our operational work to deliver financial investigations into IP crime, as well as creating the first dedicated police IP crime unit in the world, to ensure that we can target police activity at the more serious infringers and follow the money flows behind them

These initiatives laid strong foundations for our renewed ambition under this strategy. Over the coming years, we will build new and better relationships which will allow us to work more effectively in the fight against IP infringement, both domestically and internationally. This will include working across government to offer researchers advice on how to protect their work from hostile activity. We will develop comprehensive analysis to describe and measure IP infringement and the economic and social harm it brings. We will be at the forefront of understanding and preparing for developments in technology and the challenges this may present to our IP framework. And we will empower consumers to be able to identify and report infringing goods and understand the harms of purchasing them.

Government cannot achieve this alone, so our strategy sets out a holistic approach. It considers the structures and processes we need in place to enable government, law enforcement, industry and consumers to better understand the full threat and impact of IP infringement and where we must work more effectively with our partners, at home and abroad, to tackle this damaging activity.

Action on IP infringement goes to the heart of supporting business and innovation, and as such it is a natural priority both for the Intellectual Property Office, and for the UK government as a whole.



*George Freeman*

**George Freeman MP**  
**Minister for Science, Research and Innovation**

# Executive Summary

Intellectual property (IP) and intellectual property rights drive innovation. IP rights give individuals and businesses the assurance that the time, money and effort they put into developing their ideas will be rewarded.

Industries with an above average use in at least one of the IP rights accounted for 26.9% of UK value-added output (£298.5 billion) as measured by the 2020 Annual Business Survey<sup>4</sup>.

Infringement of IP puts this assurance and reward at risk. Without reward creators and inventors can be discouraged from innovating, undermining our economy and our culture. Even where businesses are willing to take on this risk, IP infringement can have grave consequences. It undermines the hard work of legitimate businesses or innovators and can negatively impact on their brand reputation, which is particularly harmful for SMEs.

SMEs account for 99.3% of the UK private business sector at the start of 2020<sup>5</sup>.

IP infringement also affects consumers. Whether they are complicit in IP infringement knowingly or unknowingly, consumers open themselves up to the risks of stolen personal information, fraud and even unsafe products with health and safety implications.

Infringement of IP is seen by criminals as a low-risk, high-reward crime. This means that it can be used to fund other serious crimes such as terrorism and human trafficking. Counterfeit products are also often substandard and produced in environments which use cheap or free labour and have poor working conditions. To address these links to other types of crime and societal harms, it is vital that measures to counter it are joined up across agencies and across business sectors, and that we work across systems to tackle it. To help ensure this holistic approach, this strategy adopts the 4Ps delivery methodology already employed by the counter-terrorism strategy (CONTEST) and the Serious and Organised Crime Strategy.

This strategy is the first UK government IP Counter-Infringement Strategy that looks at the fundamental processes and structures needed for effective partnership working on IP infringement long-term. It does not set out current IP infringement issues and the specific actions we will take over the next five years to tackle them but instead looks at what we need in place to be able respond both to today's challenges, and those we will face in the future.

4 <https://www.gov.uk/government/publications/use-of-intellectual-property-rights-across-uk-industries/use-of-intellectual-property-rights-across-uk-industries#appendices>

5 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/923565/2020\\_Business\\_Population\\_Estimates\\_for\\_the\\_UK\\_and\\_regions\\_Statistical\\_Release.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923565/2020_Business_Population_Estimates_for_the_UK_and_regions_Statistical_Release.pdf)

The strategy focuses on three overarching themes which support our vision to work towards making UK intellectual property rights, and those rights owned by UK businesses internationally, the best protected in the world, setting a gold standard globally. These are:



**Partnership: To co-ordinate the UK's fight against IP crime and infringement.** We will provide clear steps to identify and tackle IP crime and infringement, ensuring that routes to enforcement are accessible to all and effectively targeted to have the most impact. We will do this by working collaboratively with partners, both domestically and internationally.



**Leadership: To continue be a world leader on IP enforcement.** We will drive the fight against IP crime and infringement and support innovation and creativity to make the UK the best place in the world for businesses to start and grow. We will do this by striving for a gold standard framework domestically and internationally, which recognises the importance of a balanced, effective IP enforcement environment.



**Education: To empower consumers and businesses and raise awareness and understanding of IP crime and infringement and risks surrounding it.** We will work towards a time where IP crime and infringement is seen as socially unacceptable to all. We will do this by helping consumers identify and report infringing goods and helping them understand the benefits of buying genuine goods and the wider harms of buying infringing ones. And we will support business to understand and protect their IP.

Working with stakeholders we have identified 14 commitments that sit under these three themes and will help us achieve our vision. To deliver these commitments we will take a phased approach. During the first phase we will lay the foundations that will enable us to continue to build on this work during the period of this strategy and beyond.

First and foremost, this strategy identifies the need to better understand the full threat of IP infringement. To do this we will focus on increasing our capacity and capability to gather and understand the intelligence picture across the UK. We will also focus on building our networks with existing and new partners at home and overseas, taking advantage of our global standing to lead the discussion internationally and bring partners together in dedicated spaces to tackle specific issues.

This new approach will help us shape and build the evidence base for current and emerging IP infringement issues. Combined with our five-year research plan, it will develop our understanding of the full threat of IP infringement now and in the future and mean we are more able to direct our efforts in tackling those issues that matter most. In the second phase, this will mean we will more efficiently identify the actions needed and therefore the partners we need to work with and, using the new structures and processes we will have put in place, have the means by which to facilitate a united UK response. It will also mean that our education and awareness raising campaigns for consumers and businesses will be better informed and better targeted.

This strategy sets out how our actions will be coordinated and connected, how we will be able to use the whole enforcement system to make sure we make the most impact. It will also consider how we will make UK IP rights, and those rights owned by UK businesses internationally, the best protected in the world.

In fulfilling these commitments we will make sure that our delivery activities have clear, measurable objectives and an effective evaluation methodology, and we will use the 4Ps (prevent, protect, prepare and pursue) delivery framework to shape and monitor them.

## Our commitments



### Partnership

1. We will establish a national centre of excellence for the development and analysis of intelligence on enforcement of IP rights, building on the role and responsibilities of the IPO's Intelligence Hub and putting it at the core of all IP enforcement activity. This will include taking a central lead and coordination role of intelligence, research, public/private taskforces, training, and any pilots or projects to bring the bigger picture on IP enforcement together and enable all parties, including industry, to use their resources effectively. **[Pursue]**
2. We will work collaboratively with enforcement agencies, setting up a project group to look at how IP crime is recorded to ensure that all relevant parties are able to tackle it effectively. **[Pursue]**
3. We will develop the existing IP Crime Group, using it to create a new Strategic Operational Leadership group consisting of government, enforcement agencies, and industry. This will include the creation of sub-groups to support the wider work, including a formal, coordinated tasking of enforcement action. **[Pursue]**
4. We will work with other government departments to develop a forum to provide strategic policy direction and coordinated efforts on issues relating to the enforcement of IP rights, such as online intermediaries and access to justice, with effective stakeholder engagement at its core. **[Prepare]**
5. We will work with Trading Standards, Border Force, and the police to embed IP coordinators and champions into the regions, providing greater support to officers across the regions and creating a strong network across the UK in the fight against IP crime and infringement. This will also help to further develop our intel picture across the UK and understand where further resources are needed to tackle IP crime and infringement. **[Pursue]**







## Leadership

6. We will work with the Department for International Trade to ensure that our new trade deals do not weaken our IP regime but instead seek to bring others to a higher global standard; ensuring that UK businesses are adequately protected overseas. **[Prepare]**
7. We will continue to invest and develop the IPO's attaché network, using it to seek collaboration with both policy and enforcement counterparts on new challenges and to ensure or thereby ensuring that UK businesses can enforce their IP rights effectively overseas. **[Prepare]**
8. We will use our independent seat at WIPO and WTO and other multilateral forums to step forward and show leadership on enforcement priorities. We will work with partners internationally to strengthen global resilience to IP crime and infringement and reduce both current and future impact. **[Prepare]**
9. We will collaborate with international partners and establish a space to take forward specific progress on IP enforcement globally. **[Protect]**
10. We will work closely with partners to ensure that the impacts, risks and mitigations relating to IP enforcement are evidenced, recognised and considered, to make the UK Freeports world leading for IP protection. **[Prepare]**
11. All of this will be underpinned by a strong research plan which will support our international, and domestic, work over the next 5 years. This will include research on future technologies and developing our Online Copyright Infringement and physical trackers. Our research will be shared widely to inform our work with partners and education campaigns. **[Protect]**



## Education

12. We will continue to develop our campaigns and engage with industry to build on our evidence, working with all of our partners to develop effective, impactful campaigns to reduce IP crime and infringement. **[Prevent]**
13. We will help consumers to understand what constitutes IP crime and infringement on social media and when they may unknowingly become involved in infringing activity. **[Prevent]**



## Evaluation

14. The IPO will establish a cross sectoral IP Counter-Infringement Strategy Evaluation Panel. This will create strong measurable data to help us to understand the impacts of the commitments from this strategy and identify where further action is needed.

# IP crime and infringement: why it is important

## Introduction

Intellectual Property (IP) and Intellectual Property Rights (IPRs) form part of a business's intangible assets. These assets are not physical in nature, like machinery, property, or equipment but they are important assets and can be very valuable to a business, often more so than their tangible assets. **In 2016 the Office for National Statistics found that investment in intangible assets was 134.3 billion pounds and investment in tangible assets was 148.5 billion pounds<sup>6</sup>.** The data also showed that investment in intangible assets is growing more rapidly.

Intellectual property and intellectual property rights continue to be one of the key mechanisms that provide inventors, creators and entrepreneurs with the confidence to invest time and money into their ideas, knowing they will reap the benefits. Without them we might not have our life saving medicines, our cars, our latest mobile phone or our favourite films and books. They underpin innovation and creativity in our economy and society, fuelling enterprise and creating valuable national assets. And they incentivise and reward the ingenuity and risk-taking required to face up to the biggest challenges facing the UK, such as COVID-19 and limiting climate change by reaching net zero.

Infringement of IP rights is a threat to all these economic and social benefits, and to our vision for the UK as a world-leading innovation economy and science superpower. Infringement occurs when a product, creation or invention protected by IP laws is exploited, copied or otherwise used without the permission of the IP right owner. Infringement may take many forms, from individuals consuming illicit tv streaming services, pirated music, buying a fake handbag or intentionally copying a design, to criminal businesses copying copyrighted content to make it available on an industrial scale, or those manufacturing and selling large volumes of fake goods. All of this activity can have a grave impact on businesses, especially SMEs, which rely on these rights to recoup their investments and develop their reputations; consumers who knowingly or unknowingly purchase and use infringing goods and content but leave themselves exposed to fraud, unsafe products, or malicious software; and the UK economy that relies on innovation. **The OECD estimates the trade in counterfeit and pirated products amounted to as much as \$461 billion in 2019, which equals 2.5% of world trade<sup>7</sup>.** China is the greatest producer of counterfeited and pirated products, but they originate from virtually all economies on all continents.<sup>8</sup>

The growth of e-commerce and consumers' reliance on it, even more so recently during the COVID-19 pandemic, has presented many opportunities for businesses to expand their customer base and increase sales. It has also presented the same opportunities for IP criminals and infringers. Increased online access means counterfeit and pirated goods are not only more accessible, but they can be harder for consumers to identify. IP criminals have been able to use the internet to reach out to consumers they would never have previously accessed using legitimate online platforms, marketplaces and social media sites to advertise infringing goods, sometimes leading to consumers unknowingly purchasing counterfeit or pirated goods. **This has resulted in almost one third of people in the UK having fallen victim to counterfeit scams when shopping online<sup>9</sup>.**

6 <https://www.ons.gov.uk/economy/economicoutputandproductivity/productivitymeasures/articles/experimentalestimatesofinvestmentinintangibleassetsintheuk2015/2016>

7 [https://www.oecd-ilibrary.org/governance/global-trade-in-fakes\\_74c81154-en;jsessionid=87li2EvWg0KcA\\_KYqVHkDqq9.ip-10-240-5-104](https://www.oecd-ilibrary.org/governance/global-trade-in-fakes_74c81154-en;jsessionid=87li2EvWg0KcA_KYqVHkDqq9.ip-10-240-5-104)

8 OECD-EUIPO (2016), Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact, OECD Publishing, Paris, <https://doi.org/10.1787/9789264278349-en>. pg. 12.

9 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/842351/IP-Crime-Report-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/842351/IP-Crime-Report-2019.pdf)

IP criminals are taking advantage of these and other opportunities and the consumer demands surrounding them, so it is more important than ever that we understand the true, and often hidden, harms and impacts of IP crime and infringement. Especially at a time where UK businesses and consumers have faced unexpected hurdles and impacts during the COVID-19 pandemic. The government is committed to building our businesses, jobs and regions back and it is committed to building them back better. Tackling IP crime and infringement is crucial to this.

## Counterfeiting and piracy

Infringement of IP protected goods is often referred to as counterfeiting and piracy. Counterfeits are unauthorised copies of a genuine branded products, including packaging and labels and in many cases, they are often produced with lower quality materials and cheap or free labour. This is so criminals can make a high return on a substandard product that build off the back of the established, genuine brand. Counterfeits often do not comply with the product safety standards that are put in place to protect UK consumers from risks of injury or death. Any IP protected product can be infringed, with counterfeits found in all sectors, from luxury designer goods such as watches and handbags to business products like machines and spare parts. They are even found in common consumer products such as food and pharmaceuticals.



Piracy is used to describe the unlawful access to copyright content such as films, music, TV, games and software. For example, this could be through illicit streaming of content, or sharing infringing content over peer to peer platforms. Through the development and expansion of streaming services, IP criminals have been able to take advantage of new technology and wider reach.

**Counterfeits or accessing pirated content may seem like a good deal for consumers, but they can often put their personal devices, security, and information at risk.** In 2018, the IPO worked with Police Scotland to raise awareness of these risks. Following a spate of reports of stolen details, the police found that consumers purchasing what they thought were genuine, branded goods on UK websites not only received poor quality, counterfeit goods from outside the UK but also had their personal details stolen. Once criminals had access to their personal details, further websites selling infringing goods were created in their names, stored by international organised crime groups and their email accounts were inundated with phishing emails. The illegal websites were investigated and removed from the internet, but the criminals still have access to personal information that can be used time and time again.

Whether knowingly or unknowingly, purchasing counterfeits and accessing pirated content online opens consumers up to even more risks. Behind the websites, marketplaces and social media offering counterfeits and even those offering reduced prices for what they say are designer brands, criminals are often developing ways in which to steal personal information from buyers. Pirated content often looks like a legitimate good deal but behind the platforms IP criminals install viruses and malicious software designed to steal personal information. Consumers' card details can be easily stolen from criminally run websites and used for other fraudulent scams. What might appear to be a bargain can soon result in more expense and stress.

The impacts of IP crime and infringement go much further than a consumer knowingly purchasing a counterfeit or pirated good, believing they have had a "good deal". This "good deal" often comes at the expense of their own health, safety and privacy and equally at the expense of individuals involved in the supply chain and legitimate businesses.

## Links to criminality

Unfortunately, IP crime is often seen by criminals as a low-risk, high-reward crime. It is intrinsically linked to money laundering and is used to help fund other serious crimes such as terrorism, human trafficking, child sexual exploitation and prostitution. **According to the United Nations Commission on Crime Prevention and Criminal Justice, counterfeiting is now the second largest source of criminal income worldwide, second only to drugs<sup>10</sup>.**

The nature of conducting illegal activity means that the criminals involved in the manufacturing or production of counterfeit goods are highly unlikely to follow health and safety regulations, for the counterfeits themselves but also for the individuals working for them. Criminals operating the manufacturing of counterfeit products or the streaming of pirated content will stop at nothing to unfairly reduce costs and increase their profit margins often at the expense of consumers, the environment, legitimate businesses and the economy and even those working for them, who are sometimes doing so against their will.

These impacts are worrying in themselves, but we must also remember that IP crime and infringement is not constrained by borders. The online world has made IP crime and infringement even easier; online platforms and marketplaces can be overseas; products can be sent from other countries to fulfil domestic orders; non-branded goods can be brought into the UK and then re-worked here into counterfeits. All of this means that consumers have more access to more infringing goods or content, whether knowingly or unknowingly. That is why it is important for government, law enforcement and industry to work together, share intelligence and tackle IP crime at local, national and international levels.

## Impact on people and the environment



Products manufactured in these environments, whether counterfeit or unbranded with a similar look, are usually produced using low quality materials and cheap or free labour which allow for the lower price. This often means they do not comply with safety regulations and their use can result in damage to other possessions or homes or injury to the consumer or family. Faulty domestic products for example, were responsible for 2,764 domestic fires in England between 2017-2018 – over 7 per day on average<sup>11</sup>. Lower cost materials and quicker manufacturing also means that consumers believing they have had a “good deal” on a counterfeit product are often disappointed with the quality of the products materials.

The lack of regulation over working conditions that comes with operating an illegal business goes hand in hand with the lack of respect for employment rights. Workers, many of them children or subject to human trafficking, working in terrible conditions for long hours and for little or no pay. **In 2020, as part of a multi-agency exercise, a number of factory units owned by a counterfeit clothing company were investigated in Leicester. In one centre five workers were found to be living in their workplace, sleeping on mattresses on the floor, exposed to paint, chemicals and screen-printing equipment.** The counterfeit company was also found to be using “exploitative practices” whereby workers were working more hours than officially recorded as well as suggestions that wages

<sup>10</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/994529/Counterfeit-Goods-research.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/994529/Counterfeit-Goods-research.pdf)

<sup>11</sup> <https://www.gov.uk/government/publications/ipo-counterfeit-goods-research/ipo-counterfeit-goods-research>

were being taken from workers even though officially, they would have been paid the correct money. All workers are entitled to safe working and living environments and that is why we must tackle criminals running illegal IP infringing businesses.

IP criminals involved in manufacturing only care about their profits. They do not think of consumers, of their workforce and certainly not of the impact they have on the environment. Operating illegally means they are much more likely to not dispose of their waste properly and they are much less likely to use environmentally friendly materials or manufacturing methods. **There are numerous connections between the production and sale of counterfeit goods in the UK and environmental harm.** Significant levels of waste have been seen near premises involved in the production of counterfeit tobacco, and areas known as hotspots for the sale of counterfeit goods, such as the Strangeways area of Manchester, have also reported significant amounts of illegal waste disposal.

With online access to counterfeit goods and pirated content increasing, this could lead to more profound impacts on consumers and local areas. It is therefore more important than ever that we continue and build on our good work with our domestic and international partners and pave the way in tackling IP crime and infringement.

## Impact on the economy

The consequences businesses and rights holders face have far reaching impacts, especially on the UK economy. **The OECD found that the total volume of lost sales by UK IP rights owners amounted to £8.6 billion, or 1.95% of their total sales in 2013<sup>12</sup>. The 2019 OECD update report also found that in 2016 at least 86,300 jobs were lost due to counterfeiting and piracy (60,000 in 2013). That represents 1.4% of full-time equivalent employees in the UK (1.15% in 2013)<sup>13</sup>.**

Consumers that are expecting a branded product, famous for their quality and design often end up with a cheap, potentially dangerous illegal imitation. Even those that knowingly purchase a counterfeit are often disappointed by the quality or imitation of the product. This experience has consequences for the rights holders and legitimate businesses selling IP protected products. Through word of mouth, social media and the internet the business's hard-earned brand reputation can suffer. This can lead to a loss in revenue and an increase in costs dedicated to enforcement or legal action. Businesses may need to cut spending in order to survive. They often do this through sacrificing innovation and the development of new goods or reducing jobs or pay. Small businesses often do not have this option. They are less likely to be able to dedicate funds towards legal action or survive negative comments about their brands and may not survive at all. At a time where many businesses are still coping with the impacts of the COVID-19 pandemic, the cost of infringement can be even more devastating.

**The impacts of counterfeits and pirated content are wide-ranging. What might appear to be a harmless bargain can easily impact the health, safety and privacy of the buyer, help fund and stimulate multiple streams of organised crime across the world and have negative impacts on businesses and on our economy.** The issue of IP infringement must be taken seriously, and this is why the UK government is committed to working with the public, enforcement agencies and private sector businesses, both domestically and internationally, to put a stop to counterfeits and pirated content and create an environment where businesses are confident to innovate and grow.

<sup>12</sup> Trade in Counterfeit Products and the UK economy, OECD

<sup>13</sup> <https://www.oecd.org/gov/risk/trade-in-counterfeit-products-and-uk-economy-report-update-2019.pdf>

# The IP enforcement landscape

The IP enforcement landscape is complex. Multiple government and law enforcement agencies and private sector organisations all have a key role to play, both nationally and internationally.

## Domestic

### IPO

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. Whilst the IPO itself has no direct enforcement powers, we work to ensure the UK continues to have a world-leading enforcement regime through developing policies, coordinating and supporting activity and working closely across government and with industry and rights holders.

The **IPO Intelligence Hub** plays a key part in supporting operational enforcement activity. The Intelligence Hub team maintains strong links with and supports other government agencies, law enforcement and industry to reduce IP infringement and the supply of counterfeit goods to the UK. Project Magpie is an excellent example of a multi-agency approach to tackling serious and organised IP-related crime in the Manchester area. The objective of Project Magpie is to adopt a partnership approach to disrupt and remove counterfeit goods and traders from this area. The IPO Intelligence Hub has played a key role in the development of Project Magpie, most recently by contributing to a strategic risk assessment of the threat conducted by Greater Manchester Police which will be used to identify and prepare for current and emerging threats. These relationships continue to develop through regular, ongoing communication and sharing intelligence on emerging threats or trends.

### Law enforcement

As a law enforcement command of the Home Office, **Border Force** is charged with protecting the UK from security threats at the border, which includes IP crime. Border Force are responsible for intervening in and processing suspected IP infringing material at the border on behalf of Her Majesty's Revenue and Customs (HMRC). The IPO works closely with Border Force to develop evidence and action in this area. The introduction of IPO funded posts within UK Border Force has been key to this. The posts have led to an increased number of examinations and seizures of IP infringing goods, as well as preventing IP infringing goods from entering the UK through international intelligence sharing. The posts have also helped us champion IP in local regions and better understand how we can support those working at our Borders.

Two key agencies that take the lead in tackling IP infringement on the ground are **Trading Standards** and the **Police**. Both are heavily involved in the reporting and recording of IP crime and are therefore a crucial component of the IP enforcement environment. The IPO works closely with the National Trading Standards, the Chartered Trading Standards Institute, local Trading Standards teams and the Police on specific projects and on IP infringement more generally. We also provide regular practical training and engagement for both agencies, helping them to understand more about IP crime, how to detect it and what they can do about it. In September 2020, we launched a series of awareness videos for police officers in England and Wales. The videos are available through the College of Policing and are the first time IP crime has been integrated into police training.



The Police Intellectual Property Crime Unit (PIPCU) is a dedicated IP crime unit, run by the City of London Police and funded by the IPO. PIPCU coordinates the activities of industry, government, and law enforcement agencies to help counter IP crime, working closely with others such as Trading Standards, Border Force, and the UK Visas and Immigration division of the Home Office. Since its launch in 2013, PIPCU has accepted 258 investigations; investigated IP crime worth over £225 million; disrupted over 115,000 websites selling counterfeit goods; and seized huge amounts of goods, with 25.5 tonnes seized in just one raid in 2020. PIPCU's success has led to the development of a new unit in the North West which was set up in

2020. In September 2021, the North West PIPCU led the UK's largest ever counterfeit operation working with the City of London PIPCU, Greater Manchester Police and Trading Standards. The operation, **supported by significant, long term intelligence development from the IPO's Intelligence Hub**, targeted fifty-five units at a storage facility in Manchester where items seized included counterfeit clothing, handbags, watches, make-up and sunglasses. If sold as genuine at market price the items seized would have been worth £500 million. Two counterfeit perfume factories and manufacturing equipment were also found in a number of facilities. Both PIPCU units are key partners in the fight against serious and organised online piracy and counterfeiting, helping to protect legitimate businesses locally and nationally.

## Prosecutors

Other key contributors in the fight against IP crime are the **Crown Prosecution Service (CPS), local authority prosecutors, The Public Prosecutors Service for Northern Ireland and the Crown Office and Procurator Fiscal Service for Scotland**. These provide legal advice to police and investigators and use their advocacy experience to prosecute suspected perpetrators. To help support this work the IPO and CPS have developed a UK IP Prosecutors Network with the aim of bringing CPS, local authority prosecutors, **The Public Prosecutors Service for Northern Ireland and the Crown Office and Procurator Fiscal Service for Scotland** together to encourage effective IP enforcement. The IPO have also provided dedicated, tailored training to CPS to help raise awareness of IP crime and infringement and how to tackle it.

## Courts

Within the Business and Property Courts in the High Court of England and Wales there are specialised courts to hear IP cases. The Patents Court is a specialist court dealing with higher value (over £500,000) patent and registered design cases. The IP list hears all other higher value IP cases. Lower value IP cases are heard in the Intellectual Property Enterprise Court (IPEC), a specialised IP court that has streamlined procedures that aim to limit legal costs and avoid paying large sums in damages, improving access to justice for SMEs and entrepreneurs. There are also a number of specialist IP Judges who are highly experienced and therefore more effective and efficient at dealing with IP cases. Although court may be the right option for resolving some disputes, alternative dispute resolution, such as mediation, provides an alternative method of tackling legal disputes, often at a fraction of the time and cost of litigation.

## Other Government Departments

To support and enable effective IP enforcement activity we have a cross-government approach. IP crime and infringement are cross-cutting issues that affect many sectors and parts of society. That is why it is important that the IPO works closely with other government departments including: **HM Revenue and Customs (HMRC)**, which are responsible for customs policy on IP; **Ministry of Justice (MoJ)**, which are at the heart of the justice system; the **Office for Product Safety & Standards (OPSS)** which are the national regulator for consumer products; the **Department for Environment, Food & Rural Affairs (Defra)** which is responsible for UK Geographical Indications (GI), a separate intellectual property right used on products that have qualities or characteristics attributable to a specific geographical origin; the **Department for Digital, Culture, Media & Sport (DCMS)** which has overall responsibility for the regulations in the online environment, as well as a role supporting the creative industries; and the **Department for International Trade (DIT)** which are responsible for negotiating new trade agreements, which contain chapters on intellectual property and the enforcement of these rights. In addition, we must forge links with national security departments and agencies to ensure we can effectively safeguard our national knowledge assets in the same way that we do our physical and digital infrastructure.

## Industry

Across initial intelligence gathering, investigations and prosecution, **industry and IP rights holders** play a critical role in the fight against IP crime and infringement. Organisations can take action to find counterfeiters or infringers and report them, they can work in the UK and globally and offer services and strategic solutions to help detect and deter IP crime. Many have developed advanced systems to track and understand infringement, using the newest AI systems to identify illegitimate listings, analysis tools to monitor advertising, and automated data scraping tools. Some are global companies with more in-depth knowledge of international IP crime and infringement issues and the ability to influence and have impact across borders. It is important that we create the right opportunities for industry to share their expertise in these areas so that we can work together to make it harder for criminals to commit IP crime and infringement.

All these organisations have an important role to play in the IP enforcement landscape. **Individually each has a significant impact but when working collaboratively we can do even greater work having an even more powerful impact on IP crime and infringement.** The recent roundtables have shown how effective it can be when we come together, working collaboratively to identify new policy interventions and collaborative approaches to tackle IP crime and infringement together. The **IP Crime Group**, jointly chaired by the Police and the IPO, also offers opportunities for greater public-private partnerships and provides a forum in which those working across the IP landscape can continue to support the IPO in delivering a world-leading IP enforcement regime.

**Operation Beorma** is a great example of how collaborative work can have a significant impact in disrupting IP crime. A joint initiative of the National Trading Standards (NTS) and National Markets Group (NMG), Operation Beorma targets the importation, manufacture and supply of counterfeit goods in the Birmingham area. Since 2018, the Midlands based Regional Investigation Team (CEnTSA RIT) has worked with the NTS Intelligence Team, Birmingham City Trading Standards, the National Market Group, Anti-Counterfeiting Group, IPO, PIPCU, West Midlands Police and the Government Agency Intelligence Network (GAIN). Together these key partners have been able to share intelligence and resources to identify significant operators in the counterfeit market including those involved in the manufacture, importation, wholesale and retail supply of counterfeit goods such as electrical items, clothing, footwear, jewellery and make-up. In December 2020, the CEnTSA Team, supported by Birmingham Trading Standards and the Illegal Money Lending Team, led on the multi-agency exercise in relation to the large-scale counterfeit clothing factory in Leicester. Other partner agencies involved included Leicestershire Police, the Gangmasters Labour Abuse Authority, Immigration



Enforcement, Fire Service as well as partners from the Anti-Counterfeiting Group. As part of the investigation, three separate units were identified within the same building, and £5 million worth of counterfeit products were seized, including 500,000 loose labels waiting to be attached to blank products. The seizure is believed to have been the largest of its kind for a decade. In 2019, the operation resulted in the seizure of tens of thousands of fake labels, ready to be applied to products, and finished and unfinished clothing estimated to be worth more than £350,000.

## International

However, our work is not limited to the domestic issues of IP infringement. The IPO works with a number of international partners to address global issues to give UK businesses the confidence to operate overseas. We must continue to work with these partners and develop relationships with new partners if we are to maintain our world-leading IP enforcement regime.

**International cooperation and dialogue are vital to tackling IP infringement. IP criminals will work across borders and we must be able to do the same.** A central part of this is our work with the World Intellectual Property Organization (WIPO), the UN forum for IP services, international IP policy and cooperation. The UK is recognised as a global leader in IP enforcement and in 2019 was elected as Vice-Chair of the 14th session of WIPO's Advisory Committee on Enforcement (ACE), a forum for WIPO members to share best practice on IP enforcement. We will also continue to work with our partners to engage with other relevant bodies such as the World Customs Organisation.

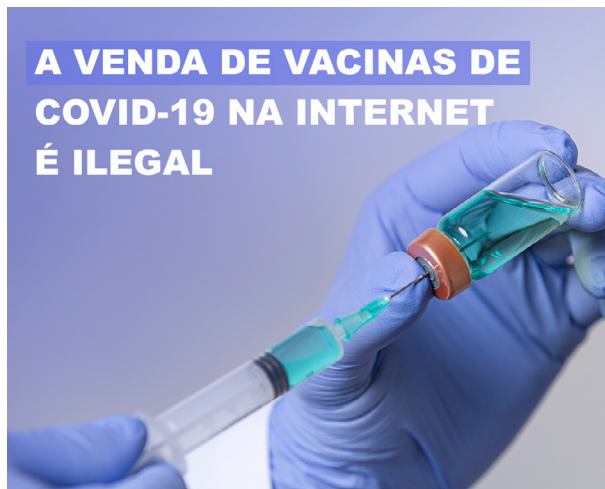
The **UK also Co-Chairs the OECD Anti-Illicit Trade Task Force** and is a member of the board. The IPO's Economics, Research and Evidence Directorate worked with OECD to create the methodology internationally which is now recognised as the standard required to assess the nature, scale and impact of IP crime and infringement.

The UK's membership of **Interpol** enables the IPO to partner with the organisation in various countries which face significant challenges in the enforcement of IP rights. This collaboration has resulted in engagement activity across Southeast Asia, as well as providing important links into China, Latin America and Africa. With the recent secondment of a UK official to Interpol HQ we anticipate this relationship developing further.

The IPO also works bilaterally with other countries such as China, Brazil, India, and across North America, Southeast Asia and Latin America and since 2021, the Gulf Cooperation Council through our influential **IP Attaché Network to improve IP protection internationally**. Our IP Attachés are based in regional British High Commissions or Embassies as part of the local UK Department for International Trade (DIT) and Foreign, Commonwealth & Development Office (FCDO) leads to provide support for UK businesses seeking advice on local IP matters, including IP infringement. They also liaise with host governments and key stakeholders about local and international IP frameworks/environment.



The IPO, Brazilian enforcement officials and other key stakeholders have undertaken numerous collaborative projects to tackle IP crime. Dr Richard Encinas of CyberGaeco, a São Paulo based anti-cybercrime unit, visited the UK in 2018 and was inspired by the work of the IPO and PIPCU to take action in Brazil. In February 2021, a Memorandum of Understanding (MoU) was signed between the British Consulate in São Paulo, the IPO, and the Public Prosecutors Office of the State of São Paulo. This laid solid foundations for collaborative working on enforcement projects both now and into the future. Operation 404.2 in late 2020 and more recently Operation 404.3 in July 2021 showcase the importance and success of this international collaboration. These Operations were carried out in collaboration with the IPO, PIPCU, Brazilian Civil Police, United States



 Intellectual Property Office  
Intellectual Property Office is an operating name of the Patent Office

 PÁTRIA AMADA  
 BRASIL  
MINISTÉRIO DA JUSTIÇA E SEGURANÇA PÚBLICA GOVERNO FEDERAL

authorities, with input from rights holder groups such as IFPI. During Operation 404.2 Brazilian law enforcement officials seized 252 pirate sites and 65 pirate streaming sites, PIPCU seized 27. Operation 404.3 saw 334 sites and 94 applications taken down across 9 different states in Brazil, the UK and the US. These Operations are an exemplary illustration of the success of international collaboration in the fight against IP Crime.

In addition to our work in Brazil, the IPO has initiated various projects in China with partner China-Britain Business Council (CBBC) since 2016. A key project among these is to build and strengthen collaboration with Chinese major e-commerce platforms, including Alibaba and JD.com and a range of second-tier platforms. UK based right owners, including Entertainment One (amongst other things, owner of the Peppa Pig brand), have been benefiting from the collaboration in both on- and off-line enforcement cases. In a typical case in

2018, Entertainment One spotted an e-store on an Alibaba platform selling large volume of suspicious Peppa Pig DVDs. Via initial investigation conducted by the company over the months, it was identified that the suspects were infringing trade mark rights of Entertainment One, and the case was then reported to Guangzhou Public Security Bureau (Guangzhou PSB) for criminal investigation. As a result of the established collaboration with Alibaba, their anti-counterfeit Unit joined Guangzhou PSB in the offline enforcement, providing substantial data and online evidence throughout the process. Over 1,400 sets of pirated DVDs were confiscated in a warehouse raid in August 2018, and the main suspects were held in criminal detention.

These are just a few examples of the impact our attaché network has had. In markets where we don't have dedicated IP attachés, the IPO also works with FCDO and DIT directly. Despite our achievements in this area, we recognise that there is more that can be done. We know there are international challenges we still face, and we will continue to look at where greater support is needed now and where it may be needed in the future.

As well as our work in other countries, the IPO also hosts our international partners for various initiatives such as **study visits**. With our world leading IP enforcement environment, the UK is often a first choice for study visits and has hosted numerous programmes for a wide range of countries. Our judiciary has also been a real draw for our inward visits as well as our overseas visits, with our **IP Judges** regularly carrying out exchanges with counterparts in key markets to share views and experiences on key IP issues and provide information about the court systems in relation to IP enforcement. To support this we also provide training to judges overseas. The engagement of our judiciary and the study visits have been a key part in developing our close relationships, particularly with countries where we don't have an attaché, as well as helping to raise standards globally.

## Conclusion

We have worked hard to build and develop our relationships with our domestic and international partners. This has led to successful joint initiatives which have already gone a long way to disrupt IP crime and improved the global IP enforcement landscape for UK businesses. As operation Beorma and our work with Brazil and China show, there are strong networks already in place, both domestically and internationally. As we build back better, we must make use of those networks to deliver real steps forward in countering infringement in support of the economy, creators, and our ambitions on innovation and net zero. By working with our partners in a strategic, coordinated way we will continue to raise standards both in the UK and globally.

# Future challenges

This strategy is intended to guide us through the next 5 years. However, as the last 5 years have shown us, a lot can happen in this time. The UK's exit from the European Union and the COVID-19 pandemic have significantly altered our domestic and international landscape. At the same time, rapidly evolving technologies have changed the way we both access and purchase legitimate and illegitimate goods. **It is therefore crucial that our strategy is flexible and forward looking, enabling us to adapt to new challenges and use new opportunities as they arise.**

Digital and technological advances are already driving our economy and enriching our society. The UK government is committed to remaining at the forefront of this. Significant funding has been dedicated towards innovative projects and research that will help shape our future, such as the Advanced Research & Invention Agency, a new independent research body that will fund high-risk, high-reward scientific research. The government has also pushed artificial intelligence (AI) to the forefront of the UK's economic ambitions through establishing the Office for AI and developing the National AI strategy. The UK's vision and ambition for science, research and innovation has also been set out through the UK Research and Development Roadmap. Building on these, the National Data Strategy sets out how to unlock the power of data for the UK, setting out a framework for how we approach and invest in data to strengthen our economy and create opportunities for the future. The Government's new UK Innovation Strategy, launched on 22 July 2021, also sets out how the UK will become a global leader in innovation.

**We will continue to see developments and opportunities in the digital world over the next five years and we must prepare for the impact these will have on consumers, rights-holders, the IP framework and our world-leading IP enforcement regime; using them to strengthen our framework and help businesses to build back better across the UK.**

## Internet/e-commerce

The internet has long since changed the way we do business. Businesses are no longer dependent on a local customer base; overheads can be much lower and online marketplaces are becoming increasingly popular with a wider group of customers. Social media can help businesses get greater exposure both domestically and internationally, particularly for micro and emerging businesses which can quickly cultivate a strong consumer base and develop their brand reputation more quickly. The use of social media has given brands an additional, creative space to share their vision and ethos, allowing consumers to get a better for businesses they are supporting. Consumers are able to benefit from a much greater market, accessing content and goods from all over the world at the touch of a button, both from the comfort of their homes or while out on the go. The internet has also allowed consumers a public place to provide their thoughts and access the opinions of others through online reviews and ratings, all helping to shape a brand's reputation in real time.

**There are many positives for businesses and consumers, but we must remember that these also create opportunities for IP criminals.** Websites can be launched quickly - often more quickly than authorities can shut them down - and an increasing customer base combined with lower overheads leads to an enticing increase in profits.

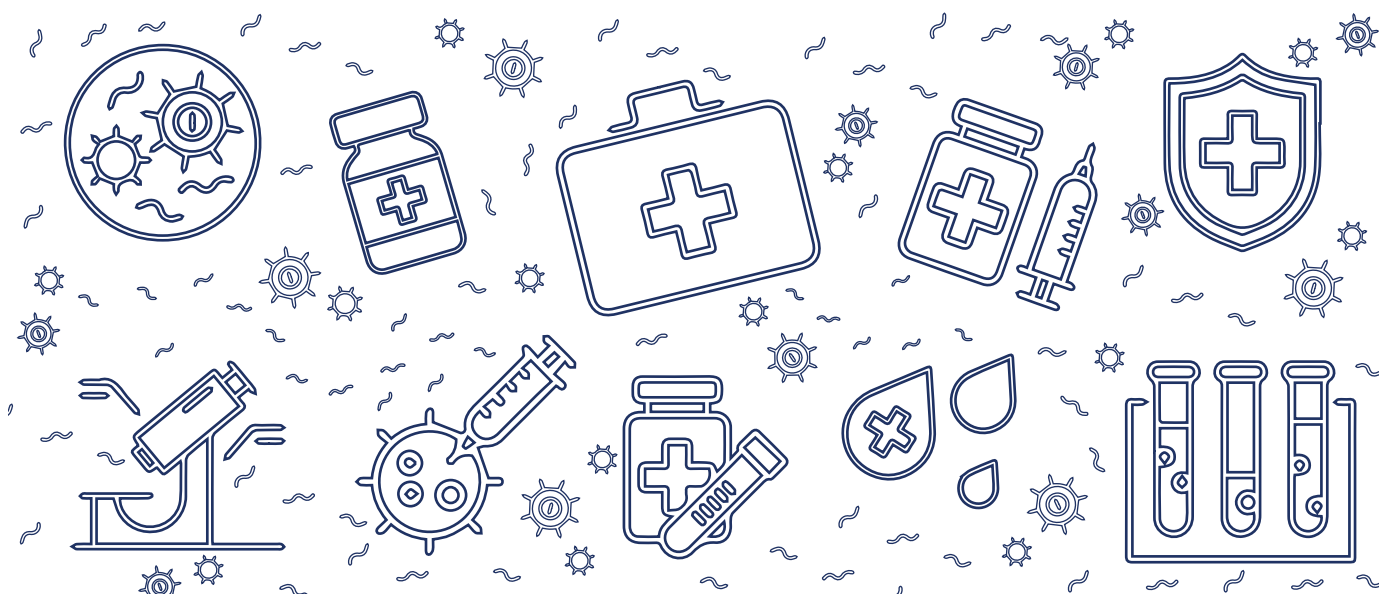


## COVID-19

The pandemic changed the way we all live and work. It exacerbated the need for technology and developments in the digital landscape. We have already seen a huge increase in the need for access to digital courts, including the IP courts. Unfortunately, it has also demonstrated how fast moving and responsive IP criminality can be to global demand. **During a time where most general manufacturing and production was slowed or paused, IP criminals were able to swiftly adapt their business models and began producing counterfeit personal protective equipment and counterfeit brand facemasks.** Earlier this year, officers from PIPCU seized 25,000 counterfeit face masks coming into the UK. The masks were intended for resale online and the Police believe they were going to be advertised as medical grade. Had these masks not been seized, consumers would have been at risk of purchasing substandard masks which would have purported to keep them safe. IP criminals do not care about consequences to consumers, even during a global pandemic, just that they make a profit.

The IPO's **IP and Health Working Group** will continue to discuss relevant topics with teams across government. Outcomes from the group, such as guidance, principles or a toolkit will be shared across government. This will help the IP framework support the government when procuring or publicly funding research, to meet the needs of future international public health priorities, including pandemics.

In addition to this, the IPO Intelligence Hub has supported wider law enforcement in tackling the changes to the crime landscape as a result of the pandemic. The Hub has maintained a horizon scanning of pandemic-related crime and developed risk assessments to determine the impacts of such crime and ongoing actions to tackle it. The Hub has worked closely with UK law enforcement to share IP-related intelligence to inform UK pandemic-related threat assessments. The Hub has also shared their best practice approach in international forums, helping to shape global evidence and action in this area.



## Technology

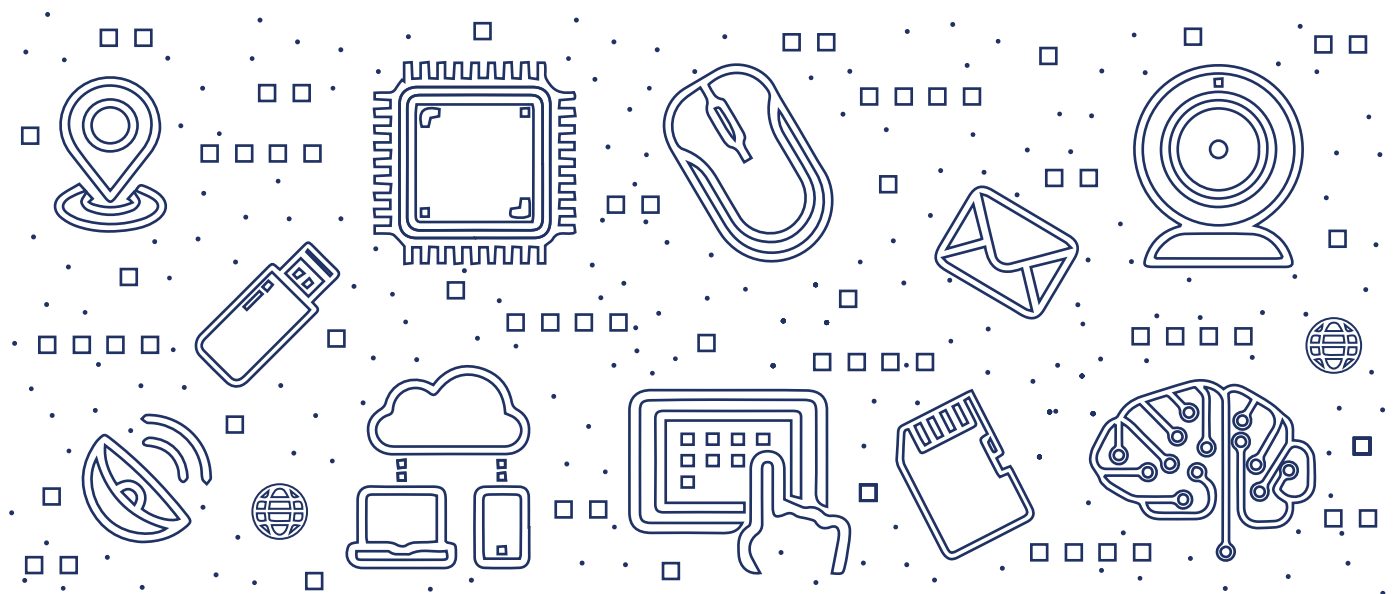
IP has an important part to play in helping the UK government solve the grand challenges facing our society, such as how we respond to climate change and support the government's ten point plan for a green industrial revolution which accelerates the UK commitment to reach net zero greenhouse gas emissions by 2050; and how we can put the UK at the forefront of the artificial intelligence (AI) and data revolutions.

**The UK has led discussions and jointly hosted conferences at WIPO on the challenges and opportunities that AI presents to the IP framework.** As countries across the world begin to look at how we tackle these questions the UK will continue to ensure it is at the forefront of these international discussions.

Last year, the **IPO launched a Call for Views to help understand the key questions that must be addressed to ensure the UK's IP framework incentivises the development and adoption of AI technologies.** The government response to this Call for Views was published in March 2021 setting out 11 actions to provide an IP system better equipped to meet the government's ambitions on AI. These actions include research into artificial intelligence and IP enforcement, and the opportunities and challenges in this area, which is already underway. Other actions include consulting on whether and how we should protect AI-generated inventions and creations using patents and copyright; consulting on how to make it easier to use copyright-protected material with AI technology; and research to enhance our understanding of IP's role in incentivising investment in AI.

There will be many other future developments in technology and in wider social and economic trends. We need to understand the impacts these will have on the IP framework, including IP enforcement. That is why, with the **IPO's Futures Group, we hold horizon scanning workshops internally and externally with stakeholders and continue to engage with experts in a range of emerging technologies.** We will use these insights and issues raised in the workshops to map out long-term operational and policy impacts, which will help shape our focus over the next few years.

Data and technology will also be central to how we understand the threat from and impact of IP infringement, and how we detect and prevent it. We will need to create space to innovate in these areas to ensure that our response is shaped by evidence and leverages the latest technology to stay ahead of the threat. The IPO is already carrying out research into the opportunities and challenges stemming from AI and will continue to look for other ways in which new technologies can be used in the fight against IP crime and infringement.



## EU and rest of world trade

In addition to these technological advances, the UK's departure from the EU has changed the landscape that UK businesses operate in. **Our relationship with the EU is different, however our joint commitment to having strong and effective enforcement of IP rights is the same.** We are therefore working with our EU partners following the UK's exit from the EU to ensure that our strong IP enforcement frameworks are not negatively impacted.

But it is not just our relationship with the EU that has changed. Our new trade deals beyond Europe will provide the opportunity to seek tailored improvements in partner markets, but we will also want to ensure that these agreements do not negatively impact on the standards and balance of the UK's regime or the ability to promote trade in IP. It is therefore critical that our new trade agreements seek to not only maintain our strong domestic framework but also identify areas for collaboration and the sharing of UK best practice to raise standards globally. Our recent trade agreement with Japan is an excellent example of where the UK has gone further than the EU by enshrining into the FTA provisions that address the online infringement of IP rights, encouraging the parties to tackle online infringement through voluntary initiatives whilst impressing the importance of awareness-raising among the public. An additional new provision ensures IP right holders have access to justice through effective judicial systems, enabling them to enforce their rights without any unwarranted delay or unreasonable cost.

We also have the freedom to build on our work and relationships with other countries through multilateral organisations like WIPO whilst reshaping our existing relationships and forming new relationships with EU institutions and bilaterally with European countries. Before the UK's departure from the EU, we were an active member of the European Observatory on Infringements of IP Rights, a centre of information and data relating to the value of IP rights and the consequences of IP right infringement. Since leaving the EU, the UK has been considering the options for how this relationship might be continued in an appropriate form for the future. We will also have the freedom to shape our own activities around IP crime and infringement including looking at how we can bring the public and private sector together to tackle these issues more effectively.

Our departure from the EU will also give us more autonomy over our bilateral relationships. We will be able to build on joint initiatives like the China-UK judicial exchange, the UK-ASEAN IP enforcement seminar and in areas like the IPO and PIPCU IP enforcement engagement with Brazil and our bilateral exchanges with countries like Vietnam, Indonesia, the Philippines and Singapore.

The government's manifesto committed to creating a number of Freeports around the UK. As designated areas where goods can be imported without paying customs duties alongside other tax and planning reliefs, Freeports will accelerate our growth, attract inward investment and create new jobs. This will allow the UK to level up through the regeneration and building back better of our local communities. But we must also remember that what creates great opportunities for UK businesses and regions, may create similar opportunities for criminals. The government is aware of the risks of illicit activity in Freeports and have sought views on how to mitigate these risks. The IPO is committed to working with its partners to further understand the specific risks of IP crime and infringement and to address them. **We will ensure the necessary safeguards are in place to prevent IP crime and infringement in Freeports.**

Alongside our domestic activities to increase trade and investment, we must also stay alert to international developments that will impact UK businesses and consumers. China's Belt and Road initiative, for example, has forged new, expanded trade networks from Asia through to Europe. These land and maritime pathways have changed the ways in which goods are transported and as the UK looks to develop relationships outside of the EU we expect to trade more with countries on the Belt and Road. The IPO is keen to work with its partners to ensure there are no issues or risks of IP crime and infringement as the initiative continues to develop.

## International espionage

We must also consider the wider freedoms and opportunities presented by leaving the EU and look at new domestic and international developments that may influence IP crime and infringement and how we tackle it.

With the drive to build back better while also increasing our global trade with new partners, the risks around international espionage will be even greater. The UK is home to some of the world's leading scientists and researchers and, as shown from the pandemic, international collaborations are often vital to innovation and delivering pioneering research. However, **the threats to science and research through the exploitation and misuse of IP rights by hostile actors are growing and evolving, becoming increasingly complex.**

The Integrated Review of Security, Defence, Development and Foreign Policy<sup>14</sup> identifies state theft of intellectual assets as a growing threat and commits to supporting the research and innovation sector through a Trusted Research Programme, to better protect our intellectual property and sensitive research where there is a national security case. To help tackle this the UK Government is also forming a new Research Collaboration Advice Team (RCAT), which will be managed by the Department for Business, Energy and Industrial Strategy. RCAT will provide advice on issues such as export controls, cyber security, and the protection of intellectual property; ensuring international collaboration is done safely and securely.

RCAT is just one of a series of measure being taken by the UK Government in this area. The National Security and Investment Act recently received Royal Assent, strengthening the UK's ability to investigate and intervene in potentially hostile deals that could threaten our national security, with screening powers extended to include intellectual property assets. Last year, the government also supported Universities UK to publish guidelines for the sector on managing security-related risks within international collaboration. **The IPO is committed to ensuring that UK scientists and researchers understand how to protect their IP from hostile activity and will continue to work with partners in this area.**





# Vision

## Our previous strategy – the technical and tactical era

The IPO made some great progress with our previous strategy [“Protecting creativity, supporting innovation: IP enforcement 2020”](#), particularly on the challenges arising from new technologies and focussed on the ‘pursue’ elements of our enforcement work. For example, the IPO delivered voluntary agreements with search engines to demote copyright infringing websites, it developed the capability of our Intelligence Hub in the IPO so that we can now carry out financial investigations, and it pioneered the world’s first research into consumer attitudes to buying counterfeit goods.

But the landscape ahead of us has changed. As a country we are focussed on building back better following the impacts of the COVID-19 pandemic and levelling up across the UK while we do so. Our international position has changed, creating new opportunities for how we engage and work with our international partners. All of this combined with advances in technology and changes in consumer behaviour, has changed the way in which IP crime and infringement takes place. That is why it is more important than ever to take a strategic approach to tackling IP crime and infringement, to work more effectively with our partners to develop interventions that have a stronger impact and to help us remain a world-leader in this area.

## Our vision for the future – the connected era

Our vision over the next five years is to **work towards making UK intellectual property (IP) rights, and those rights owned by UK businesses internationally, the best protected in the world, setting a gold standard globally**. It will broaden our scope to look at how we can prevent people from engaging in or supporting IP crime and infringement and strengthen our resilience, reducing the impact on legitimate businesses.

Domestically, this means that we want the UK to be an inhospitable environment for deliberate infringement. We want to prevent people from choosing to infringe and help consumers understand where they might be unknowingly infringing. We want to proactively identify upcoming issues and risks that could impact infringement in the UK, working to agreed strategic priorities with a solid understanding of the threat, and put in place measures to address the problems and mitigate these risks. We want to support businesses, particularly micro and SMEs, to understand their IP rights and protect their IP assets. We want to ensure we are using the most current and effective technological advances to make it harder to infringe. We want the right framework in place to enable law enforcement partners to effectively pursue and tackle IP crime and infringement and we want our businesses to have the right resilience to reduce the impact of IP crime and infringement if it does happen. We will work with our domestic partners to achieve this.

Internationally, this means we want UK businesses to be confident in their IP protection abroad and we want those that do face infringement overseas to have access to world leading support to tackle it. We want to build on our successful IP attaché network, deepening our bilateral relationships and working with countries to raise standards in enforcing and protecting IP rights globally. We want to use our new trading relationships and independent seat, outside of the EU, at multilateral forums to push for greater collaboration and action internationally. We will work with our international partners to achieve this.

It also means that at home, and abroad, we will work with our private and public partners to develop the evidence base and share intelligence, working collaboratively to reduce both supply and demand for counterfeit goods and pirated content.

To achieve this vision, we will ensure that the impact of IP infringement is well-understood across the public sector and tackled coherently as a strategic economic threat. We will also ensure that IP crime is recognised by the law enforcement system as part of the Serious Organised Crime (SOC) threat facing the UK and prioritised accordingly.

We also recognise that acting alone, the IPO can only scratch the surface of IP infringement. Work to reduce infringement and address its consequences under this strategy will increasingly deliver effort through public and private sector partners in the UK and overseas. And it will be targeted at specific threats, according to Government and industry priorities.

## Our themes

We will organise our work under three overarching themes which elaborate on our vision by setting out the change we want to achieve in each area:



**Partnership: To co-ordinate the UK's fight against IP crime and infringement.** We will provide clear steps to identify and tackle IP crime and infringement, ensuring that routes to enforcement are accessible to all and effectively targeted to have the most impact. We will do this by working collaboratively with partners, both domestically and internationally.



**Leadership: To continue be a world leader on IP enforcement.** We will drive the fight against IP crime and infringement and support innovation and creativity to make the UK the best place in the world for businesses to start and grow. We will do this by striving for a gold standard framework domestically and internationally, which recognises the importance of a balanced, effective IP enforcement environment.



**Education: To empower consumers and businesses and raise awareness and understanding of IP crime and infringement and risks surrounding it.** We will work towards a time where IP crime and infringement is seen as socially unacceptable to all. We will do this by helping consumers identify and report infringing goods and helping them understand the benefits of buying genuine goods and the wider harms of buying infringing ones. And we will support business to understand and protect their IP.

## Our approach

How we go about achieving this vision and delivering on those aims is as important as the objectives themselves. We recognise that we will never address all infringement, and that we must deliver value for money for the taxpayer. We will therefore ensure that our delivery plan is **intelligence-led, harm-focused, and continuously improved** through effective monitoring and evaluation.

**Intelligence-led** means that we will understand the threat and the environment as best we can and will act in response to the evidence not the perception. We will work with our partners to gather, analyse and share intelligence so that everyone is working from a common picture.

**Harm-focused** means that we will use our intelligence picture to understand the impact of IP infringement – the economic and social harm which occurs – and target our effort on reducing the harms and supporting the sectors that matter most. In setting our priorities we will look to incentivise innovation and align with wider Government priorities, especially those concerning law enforcement, the economy, public safety and the arts.

**Continuously improved** means that we will have clear, measurable objectives for all delivery activities and implement an effective evaluation methodology to test the outcomes against those objectives both during and at the end of each project. We will adapt our approach over time, learning from our own experience and that of our partners in the UK and overseas. And we will exploit technology where it can increase our impact and reach.

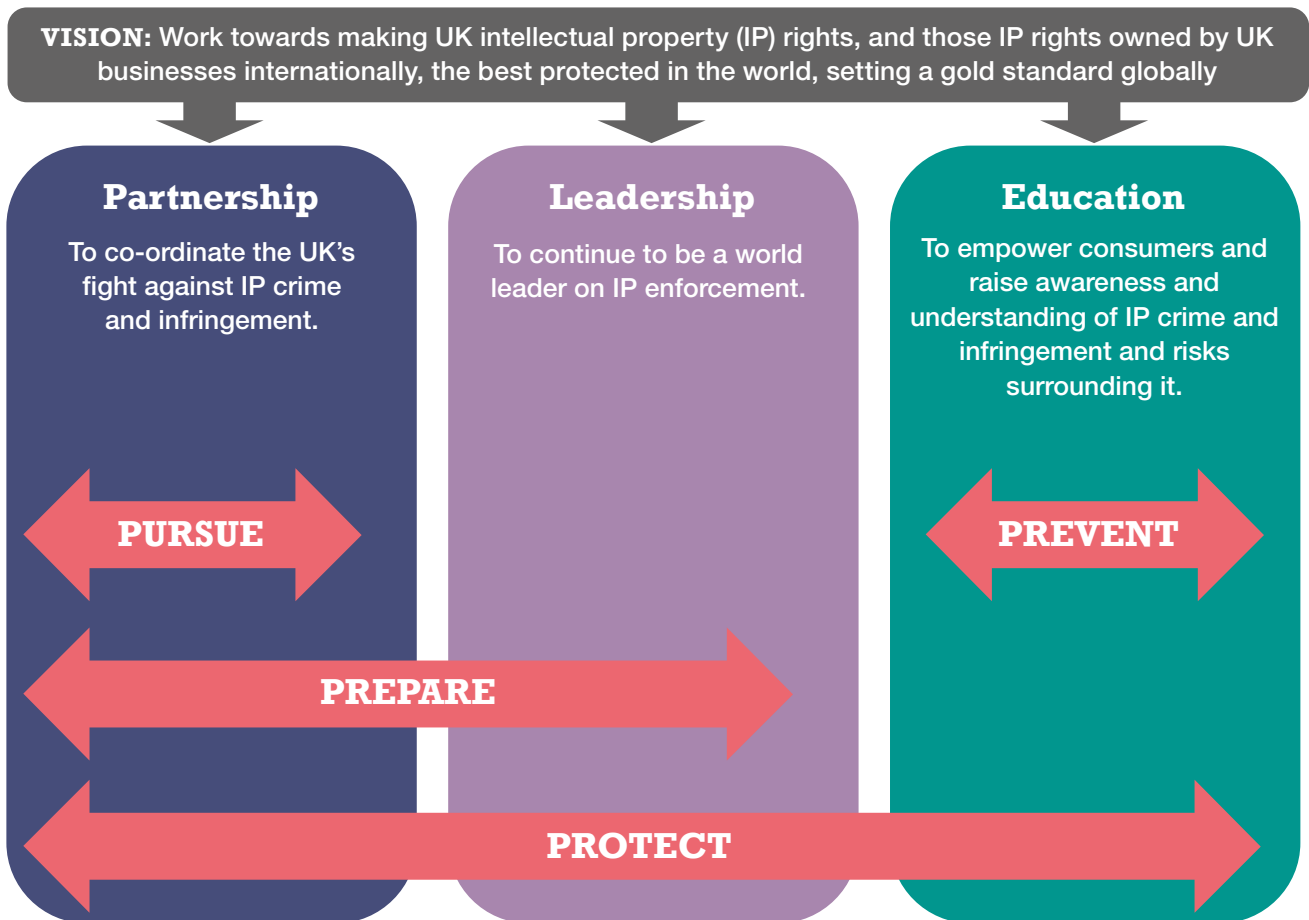
## 4Ps delivery framework

We will be implementing a version of the Prevent, Protect, Prepare and Pursue delivery framework, sometimes known as the '4Ps', to shape and monitor the delivery of this strategy. This framework, which originated in the UK's counter-terrorism strategy, has now been extended into the fight against serious and organised crime making it a widely recognised system for managing the fight against criminality. Its central strength is ensuring that effort is focused not just on disrupting and prosecuting crime which has already happened (the Pursue strand) but also on activity to reduce crime and the impact of crime. As a commonly understood framework, using the '4Ps' will allow us to work more effectively with our law enforcement colleagues and maintain a clear approach with our other partners across government and industry. The '4Ps', shown alongside our vision and overarching aims can be found in Figure 1.

The '4Ps' framework looks at how crime can be tackled right through from preventing the crime, to convicting criminals and supporting victims. We have adapted the '4Ps' to IP crime and infringement as follows:

- **Prevent:** to prevent people from engaging in, facilitating or supporting IP crime and infringement, working towards a time where it is seen as socially unacceptable to all.
- **Protect:** to make it harder to commit IP crime and infringement, encouraging the use of technological measures where appropriate and ensuring our IP enforcement legal regime is as effective as possible.
- **Prepare:** to strengthen resilience to IP crime and infringement and reduce both current and future impact through collaboration with partners both domestically and internationally; and to improve access to justice for rights owners.
- **Pursue:** to support and enable effective IP enforcement activity, including prosecution and disruption, through criminal, civil and voluntary measures.

Figure 1



# Key issues and commitments

Our previous strategy focussed on tactical actions to tackle specific issues in the IP crime and infringement landscape. Whilst our work since the last strategy has made great progress in these areas, our frameworks for tackling new and emerging issues has become more challenging. The changes to the international landscape and the COVID-19 pandemic have only added to the complexities of the IP enforcement environment and for the key players working within it. That is why our approach looks at the fundamental structures and relationships needed to tackle IP crime and infringement more effectively, across all of the '4Ps'.

Working with stakeholders, we have identified 14 commitments, divided between our three themes. They aim to begin to address the challenges set out above, moving us towards our vision in accordance with our intelligence-led, harm-focused, and continuous improvement principles. They are the principle activities for the first phases of the strategy – our delivery commitments for mobilisation, intelligence, recording and evaluation.

These commitments will form the foundation of the delivery of this strategy. However, they are only the first steps: some are about building our own capability, capacity and partnerships; some are about piloting new initiatives with a view to scaling-up in future years; others are about filling in the gaps in our intelligence picture so that we can make properly informed decisions about the future. As this work progresses, and in line with our commitment to continuous improvement, we will develop additional proposals which will be set out in subsequent years' delivery plans.



## Partnership - Coordinate the UK's fight against IP crime and infringement

The partnership aims will look at how we work collaboratively with our partners to tackle IP crime and infringement domestically, making the UK the best place in the world for businesses to start and grow. Primarily, we want to get the right structures and processes in place domestically to ensure that UK rights are the best protected in the world.

### Operational

With the numerous parties involved in the enforcement of IP rights in the UK it can be a complex landscape, both for rights holders and consumers as well as for those working together to prevent and tackle IP crime and infringement.

The **existing reporting processes are fragmented**, with the numerous routes available making it difficult for consumers to know how and where to report. This, combined with the fact that there is **no consistent recording of IP crime**, makes it incredibly difficult to tackle cases of IP crime and infringement and see where action is needed. In addition, even where cases are reported and recorded appropriately, there are challenges in ensuring all relevant parties have access and can use the data. Until this changes, government, enforcement agencies, and industry will always be one step behind the criminals.

**Steps are already being taken by the IPO to improve the reporting process**, with a feasibility study on a single reporting tool. This will be an important first step towards the creation of a new and improved reporting process.

However, to enact more change we need to get the processes and structure right. While there is an amazing drive from all partners to tackle IP crime and infringement, there are **significant challenges in sharing intelligence**. As a result, even where cases are reported, there is no process in place to ensure that all the right partners are aware and able to tackle it effectively. We need to improve intelligence sharing primarily across government and enforcement agencies, but also with industry, ensuring effective mechanisms are in place and dismantling barriers. We need to embed IP enforcement into crime recording, with formalised coordination and tasking. We need to be strategic in our operational activity as a whole. A stronger public/private partnership will be a key part of this collaboration as will the IPO's ability to effectively lead and coordinate this work.

**Hub commitment (Pursue): We will establish a national centre of excellence for the development and analysis of intelligence on enforcement of IP rights, building on the role and responsibilities of the IPO's Intelligence Hub and putting it at the core of all IP enforcement activity. This will include taking a central lead and coordination role of intelligence, research, public/private taskforces, training, and any pilots or projects to bring the bigger picture on IP enforcement together and enable all parties, including industry, to use their resources effectively.**

**Recording commitment (Pursue): We will work collaboratively with enforcement agencies, setting up a project group to look at how IP crime is recorded to ensure that all relevant parties are able to tackle it effectively.**

**IPCG commitment (Pursue): We will develop the existing IP Crime Group, using it to create a new Strategic Operational Leadership group consisting of government, enforcement agencies, and industry. This will include the creation of sub-groups to support the wider work, including a formal, coordinated tasking of enforcement action.**

## Policy

**Government policy on IP is cross cutting and impacts nearly every sector.** As such there is often significant overlap with the work of other departments. An example of this is **online infringement**. DCMS have overall responsibility for government policy for the digital environment, including e-commerce and social media, but as these areas grow the number of infringing content and goods online is rapidly increasing (OECD figures show an estimated increase from 2.6 to 3.3% of global trade from 2013 to 2016). The creative industry roundtables<sup>15</sup> made good progress in this area and showed the benefits of cross industry and cross departmental work, however more collaboration is needed. Industry have been working collaboratively to identify potential solutions, for example the introduction of Know Your Business Customer (KYBC) checks. Due to the cross-cutting nature of these issues, any action on these potential solutions would need to be take forward in collaboration with other government departments.

**Access to justice** is another example, with the affordability, accessibility, and overall effectiveness of our court system crucial to IP enforcement. The IPO has been working closely with MoJ and HMCTS to improve access to justice over the years; however the recent call for views on the enforcement framework showed that there is still room for further improvement. In particular, it identified issues around the transparency of court proceedings, the level of damages, and the application process when making a claim. HMCTS are currently developing their reform programme, which includes modernising their services through new digital services and helping disputes to be resolved quickly without the need to go to court where possible. The IPO will continue working closely with HMCTS to ensure IP enforcement specific issues are considered as part of any changes as well as work with them to identify any additional reforms that could be made.

<sup>15</sup> Which stemmed from the Industrial Strategy and the Creative Industries Sector Deal

In addition to greater collaboration with other government departments, it will be important for industry to be able to effectively feed into policy development on IP enforcement issues. Helping to identify new and emerging issues, provide data and evidence to support decision making, and understand priorities for UK businesses.

**Policy commitment (Prepare): We will work with other government departments to develop a forum to provide strategic policy direction and coordinated efforts on issues relating to the enforcement of IP rights, such as online intermediaries and access to justice, with effective stakehold engagement at its core.**

## Enforcement agencies

The IPO relies on others such as **Trading Standards, the Police, and Border Force** to carry out IP enforcement activity. However, not only is IP seen as a very technical area, but IP enforcement is only one of a wide range of priorities for them, where resources are already stretched. The challenges identified earlier around intelligence sharing has made it even harder to provide enforcement agencies with clear data on the impact of IP enforcement in local areas and the links to organised crime. While the recording of IP crime on the national intelligence system (IDB) has greatly improved intelligence sharing between Trading Standards and the IPO, there is still more to be done to with other enforcement agency partners.

The commitment to establish a national centre of excellence will be an important step forward in helping enforcement agencies to see the links to wider criminality and use the intelligence gathered to feed into strategic tasking. In its Corporate Plan the IPO has also agreed to continue funding PIPCU. However, to have a real impact on IP enforcement across the UK **more is needed to support enforcement agencies**, particularly where cases are more complex and resource intensive. We are working closely with our partners to identify how we can best provide effective support across the regions; with specific pilots planned with trading standards and the police and extending our current support to Border Force.

**Enforcement agency commitment (Pursue): We will work with Trading Standards, Border Force, and the police to embed IP coordinators and champions into the regions, providing greater support to officers across the regions and creating a strong network across the UK in the fight against IP crime and infringement. This will also help to further develop our intel picture across the UK and understand where further resources are needed to tackle IP crime and infringement.**



## Leadership - Continue to be a world leader on IP enforcement

While our leadership aims do include having a gold standard domestically, this is about the global picture; with the UK being seen as an inhospitable place for deliberate infringement and setting a gold standard internationally. We want to protect and build on our world leading enforcement environment, bearing in mind our independent place outside the EU and new international relationships, and use our experience and evidence to raise standards globally.

## The UK's exit from the EU and trade

The UK is consistently rated as having one of the best IP enforcement regimes in the world. This is something we want to not only maintain but strengthen. However, it is a very different international landscape since the last strategy. **The UK's international relationships have changed dramatically since our exit from the EU and the development of our new independent trade policy.**

While this has created many new opportunities for UK businesses, we recognise that it is also a time of uncertainty for many. UK businesses are trying to navigate the new rules and regulations in maintaining existing businesses arrangements within the EU, while looking at how best to use the opportunities opening up from our new trading relationships. **The ability to enforce IP is an important element in branching out into new markets.** Some of this will be through how we work with new trading partners to ensure UK business can access effective enforcement but there will also be work needed on ensuring UK businesses are more resilient to IP crime and infringement overseas, for example through the use of IP insurance. The IPO's new International IP Service, set out in the UK Innovation Strategy, will be key in helping UK businesses make informed decisions about navigating the international IP environment.

**Trade commitment (Prepare): We will work with the Department for International Trade to ensure that our new trade deals do not weaken our regime but instead seek to bring others to a higher global standard; ensuring that UK businesses are adequately protected overseas.**

## Bilateral engagement

But trade is not the only route to collaborating with our international partners on common enforcement goals. The UK has developed strong relationships with its international partners, which will be critical for UK businesses looking to expand their businesses internationally. Our widely acclaimed **IP attaché network** plays a critical role in this, as do our contacts in the **FCDO and DIT**.

For example, our continued collaboration with Chinese government and stakeholders has improved the experience for UK businesses looking to expand there. In recent years Chinese e-commerce platforms have continued to improve their IP protection. However, infringers are adapting to this and to taking a “cross-platform strategy” — migrating from one platform to another, and increasingly using social media as a marketing and distribution channel, exploiting the differences in the IP protection policies across platforms and the difficulty platforms have in sharing infringement evidence. This has been identified by UK right owners in China as a major challenge currently, leading to high costs from repetitive enforcement effort against the same infringers.

To address this challenge the IPO, working with Chinese stakeholders, local enforcement agencies and major e-commerce platforms, has supported a pilot that, in the long run, will enable a cross-platform enforcement mechanism.

The pilot project is intended to be scalable to the remit of the State Administration of Market Regulation, the administrative enforcement authority for most types of the non-criminal IP infringement. More broadly, the program has also built better communication and trust between UK rights-holders and individual e-commerce platforms, and stakeholders acknowledge that if effectively implemented, this pilot project would create a cooperative culture across all the platforms.



Another example of the importance of our IP attaché network is our work with the Gulf Cooperation Council (GCC<sup>16</sup>). The GCC is UK's third largest export destination<sup>17</sup> and as UK export opportunities continue to expand the region will become increasingly important for UK trade and investment. Currently the GCC is a major transit point for counterfeit goods, and along with Free Trade Zones in Singapore and Hong Kong, is a global hub for counterfeited goods<sup>18</sup>. The market in illicit trade is significant, in 2017, 26.2 million pieces of counterfeit were seized in UAE, including car parts, electronics, cosmetics and pharmaceutical products<sup>19</sup>. To tackle this issue, the IPO has continued constructive engagement with key stakeholders and with support from the British Embassy network in Saudi Arabia and UAE, to support UK businesses trading in the region. In addition to this, **the IPO is now funding an IP attaché based in the British Embassy Riyadh** to build on this good work and continue the global fight against IP crime and infringement.

**Bilateral commitment (Prepare): We will continue to invest in and develop our attaché network, using it to seek collaboration with both policy and enforcement counterparts on new challenges and ensuring that UK businesses can enforce their IP rights effectively overseas.**

## Multilateral engagement

**With IP crime and infringement flowing across borders, improved international cooperation on IP enforcement is essential** and our multilateral engagement could be another key driver in raising standards globally. Our independent seat at the multilateral forums gives us greater flexibility in promoting the UK's strengths in this area and seeking new collaborative relationships.

**Multilateral commitment (Prepare): We will use our independent seat at WIPO and WTO and other multilateral forums to step forward and show leadership on enforcement priorities. We will work with partners internationally to strengthen global resilience to IP crime and infringement and reduce both current and future impact.**

**International Forum commitment (Protect): We will collaborate with international partners and establish a space to pursue specific progress on IP enforcement globally.**

## Freeports

**The government has committed to creating Freeports across the UK.** Freeports can be of great economic benefit, creating jobs, boosting innovation and increasing trade and investment. However, there is also a risk that they can become havens for IP crime and infringement. **The government has been clear that it does not want the introduction of UK Freeports to lead to an increase in illicit activity and will ensure that all the necessary safeguards and international standards are in place. It will be important that we have current research and evidence to enable and support government policy decisions on the risks and potential mitigations for UK Freeports.**

**Freeport commitment (Prepare): We will work closely with partners to ensure that the impacts, risks and mitigations relating to IP enforcement are evidenced, recognised and considered, to make the UK Freeports world leading for IP protection.**

<sup>16</sup> Saudi Arabia, United Arab Emirates, Kuwait, Qatar, Bahrain, Oman

<sup>17</sup> UK GCC JTIR

<sup>18</sup> EUIPO2017

<sup>19</sup> Interpol

## Research

**In order to drive this work internationally and domestically, it is important that we have a strong understanding of current and emerging issues and clear and solid evidence to influence others and enable us to propose innovative solutions.** This will include specific focus on how future technologies can be used in the fight against IP crime and infringement and the tools that could be used by UK businesses to minimise risk of IP crime and infringement.

**Research commitment (Protect): All of this will be underpinned by a strong research plan which will support our international and domestic work over the next 5 years. This will include research on future technologies and developing our Online Copyright Infringement and physical trackers. Our research will be shared widely to inform our work with partners and education campaigns.**



## Education - Empower consumers and raise awareness and understanding of IP crime and infringement and the risks surrounding it

The education aims focus specifically on our work with consumers, for both those knowingly and unknowingly infringing. We want to have a clear plan for the different ways in which we will tackle consumer behaviour and how we will bring other government departments, enforcement agencies, and industry into this work.

IP crime and infringement are driven by consumer demand and as human beings we are driven by our desire to fit in. We want the latest fashion, access to the latest music and films which is exacerbated by the growing use of technology and social media. In some cases, consumers will find themselves knowingly purchasing counterfeits or accessing pirated content to keep up with moving trends. In others, consumers may think they have found a bargain only to find that they have unknowingly purchased a counterfeit or accessed pirated goods. Purchasing these products and accessing this type of content has many risks. It is important that government, law enforcement and industry work together to ensure that consumers are aware of these risks and empower them to recognise illegitimate products and content and understanding the impacts purchasing or accessing them has.

**The IPO has committed to working towards a time when infringement is seen as socially unacceptable by all.** A key part of this is ensuring UK consumers are educated not only to recognise IP crime and infringement but also to understand the impacts of going ahead with the purchasing, accessing or involvement in these. Since 2014, the IPO has supported and contributed funding towards the Get it Right from a Genuine Site campaign that is designed to reduce digital piracy behaviour and promote use of legal content sites. The campaign has already been demonstrably successful with those who have engaged with it, reducing levels of infringement and improving attitudes towards piracy.

The Get it Right from a Genuine Site campaign, when active, **has consistently demonstrated drops in infringing activity by audiences exposed to the campaign messaging.** From a starting point of a piracy level of 57% by the exposed audience (Dec 2015) there were consistent drops when the campaign was active (52% July 2016; 47% Dec 2016; and 42% Sept 2017). The long-term aim of the campaign is to change attitudes in the targeted audiences

towards copyrighted content – to drive a change in behaviour to make an informed choice and use legitimate sources of content. The intended shift in understanding is that content available online has a value to the creator and the wider economy and that piracy has a direct negative impact on the opportunities for emerging artists/creators, which in turn has an impact on the consumer.

The IPO is continuing to take steps to tackle behaviour change through the use of campaigns and is **currently developing an awareness raising campaign targeting Beauty & Hygiene products** and those that knowingly or unknowingly purchase counterfeit products. The Beauty and Hygiene sector is one of the areas where consumers are most at risk from purchasing counterfeits. Not only can counterfeits be harder to spot but the use of them can cause consumers serious harm. Counterfeit Beauty & Hygiene products are often made using toxic ingredients and in unsanitary conditions in factories in order to cut costs. That is why the IPO has focussed its next campaigns in this area.

**Campaigns commitment (Prevent): We will continue to develop our campaigns and engage with industry to build on our evidence; working with all of our partners to develop effective, impactful campaigns to reduce IP crime and infringement.**

Our current research will help to shape our evidence and campaigns, but the IPO is also committed to continued research in this area. It is important that we continue to develop our evidence base so we know how consumer behaviour is changing and the impacts our interventions have. Ongoing research will ensure that we are able to provide clear, accessible guidance and information to consumers on counterfeit and pirated content as well as shaping future education campaigns and policy making.

In addition to targeted campaigns the IPO has invested in a longitudinal survey, tracking consumer behaviour in relation to copyright infringement since 2012. Now in its 11th wave the **Online Copyright Infringement (OCI) tracker** is the most robust and insightful study in this space in the world. To complement this, the IPO has also invested in a **Physical Goods tracker survey** to better understand how consumers interact with counterfeit goods. These trackers help us enhance our evidence to support policy making and our ongoing behaviour change work. We are committed to maintaining both trackers and will look to build on them to better understand how consumers come across infringing goods and pirated content.

As part of this we also want to understand how some consumers end up infringing. With the evolution of social media, it can also be difficult for consumers to understand where they may cross the line into becoming infringers themselves. In recent times, consumers have taken to social media to support their favourite content creators often by sharing their material with their family, friends and following. Although this is done with good intentions it can sometimes lead to consumers inadvertently and unknowingly infringing their favourite content creators' work. In addition to this, the move to more interactive platforms has meant that consumers following the latest trends are now going on to create their own content. Social media is a part of everyday life and creating content can be done by anyone of any age. This means there is a growing number of users who are unaware of the risks and impacts of infringing IP. That is why the IPO is committed to raising awareness and understanding of IP infringement on social media and online content sharing platforms.



## Evaluation

In accordance with our principle of continuous improvement, it is important to develop and implement a strategy for **monitoring and evaluating** the activity and outputs under this strategy. This will enable policy makers, in government, enforcement agencies, and industry to better identify effective measures and prioritise resources. This will be framed around the 4Ps: *Prevent, Protect, Prepare, Pursue*.

The IPO has a wealth of data and statistical evidence in relation to consumer behaviours. There are 11 waves of the On-Line Copyright Infringement Tracker Survey covering digital content, and 2 waves of the Counterfeit Goods Tracker Survey covering physical goods. As set out above, the IPO is also investing in further enforcement data sets and a behavioural campaign to better understand what might influence consumer actions in the Health and Beauty Sector.

The IPO's Intelligence Hub also holds a significant amount of data from industry and enforcement agencies on those who commit serious and organised IP crime, using these to produce National Strategic Assessment on IP Crime.

But the IPO cannot do this alone. It will be necessary to identify what data is available from the wider enforcement arena, to assess the quality of that data, to agree shared methodologies for future data collection, to agree specific metrics and measures including behaviour change, use of civil justice procedures and alternative dispute resolutions, availability of illicit goods and content, take downs, seizures, economic impact, and prosecutions. **For this to be truly effective, the IPO needs to work with industry and enforcement partners to standardise data across sectors, physical and digital, and to find ways of sharing sensitive information.** It is only through collecting and sharing data in a uniform way that the IPO and others will be able to truly evaluate the success of our actions and to better inform policy going forward. This should involve a clear and agreed performance framework and impact assessment process to measure the success of the delivery plan. By taking this approach we will maximise the impact of the UK's enforcement activity, leading the way nationally and setting standards internationally.

**Measuring impact and evaluation commitment: The IPO will establish a cross sectoral IP Counter-Infringement Strategy Evaluation Panel. This will create strong measurable data to help us to understand the impacts of the commitments from this strategy and identify where further action is needed.**

# Next steps and implementation

The IP Counter-Infringement Strategy establishes a new, innovative framework through which government, law enforcement and industry will come together to tackle IP crime and infringement. The strategy identifies the structures and processes that are needed for the UK to tackle both current and emerging IP crime and infringement issues through public-private partnerships, ensuring UK inventors, creators and entrepreneurs have the confidence to invest time and money into their ideas, knowing they will reap the benefits. The success of the commitments in the strategy will depend on improved intelligence analysis and sharing, further evidence gathering and more effective coordination and collaboration across all our partners, both domestically and internationally.

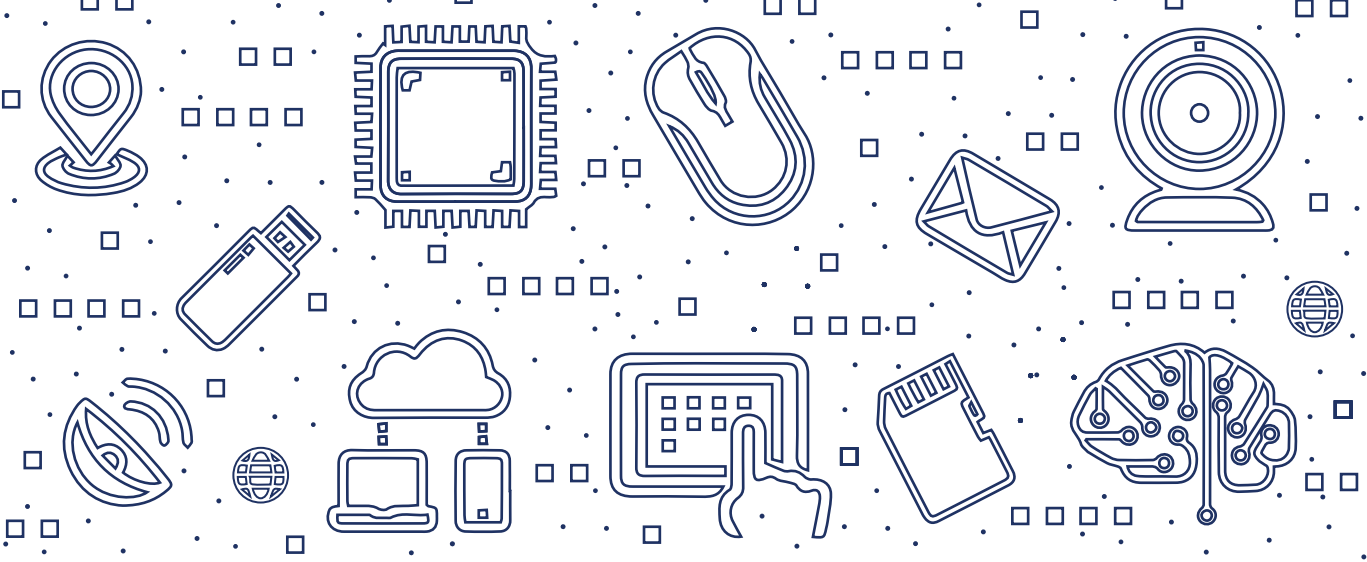
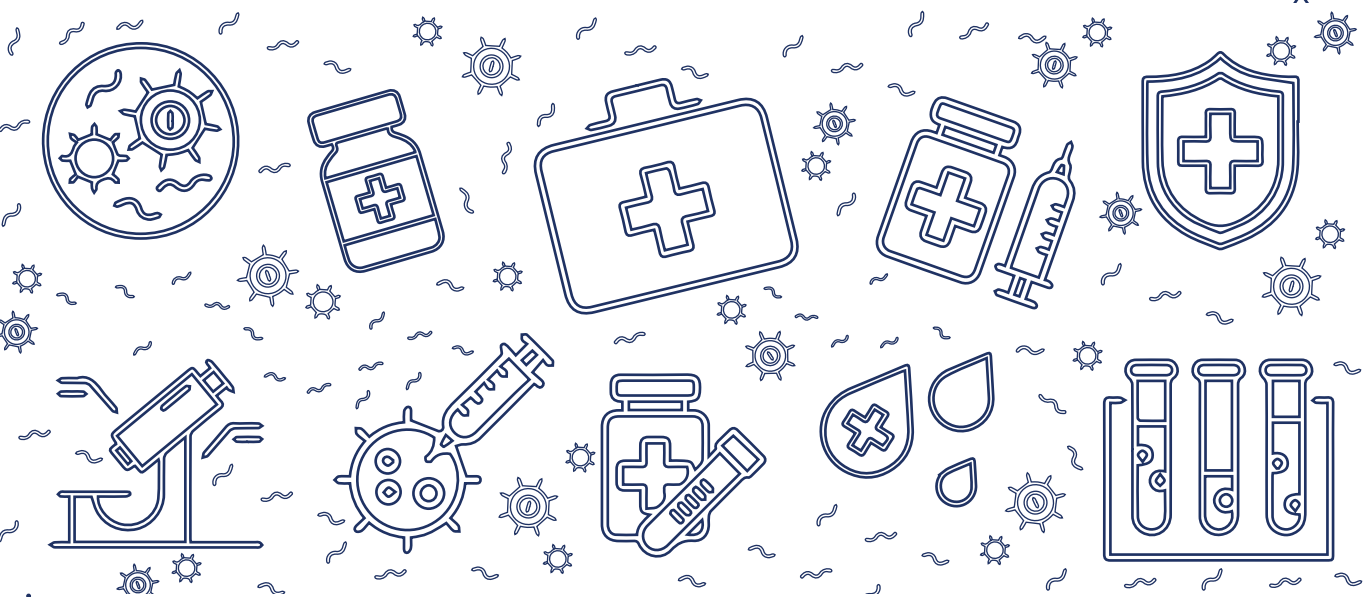
The IPO will take a phased approach to delivering the commitments in the strategy. Our first phase will be our “**mobilisation**” phase, which will focus on getting the new structures and processes in place to enable us to gather more intelligence and evidence to enable us to better understand the full threat of IP crime and infringement across the UK. This will include IPO recruitment to increase our intelligence capacity and capability and to help us better coordinate with partners; working with other government departments to set up the strategic policy forum; and rolling out a pilot of regional coordinator and champions within Trading Standards, Border Force and the Police. During mobilisation we will also focus on engaging with current and new partners on the strategy commitments, communicating the importance of tackling IP crime and infringement and how we can address these issues together.

Our next phase will be our “**Intelligence and Recording**” phase. This phase will span the first 12 to 18 months of the strategy. During this phase we will build on our intelligence capability and capacity and shape our evidence base through a 5-year research plan, so we can increase our understanding of specific issues. We will continue to create dedicated structures to enable us to better tackle IP crime and infringement including developing the existing IP Crime Group. We will also start to tackle specific priority issues, for example: by setting up a project group to look at how IP crime is recorded; and by running effective, impactful campaigns to empower consumers to understand the risks and impacts of IP crime and infringement.

Subsequent phases will be concerned with:

- focusing effort on the priority types of harm identified through our initial intelligence work, developing and delivering new, targeted interventions to reduce those harms and their impact on rights holders and the public; and
- evaluating and scaling-up those interventions in the final phase under this strategy.

Our delivery will be monitored against agreed milestones set by the IPO Board in consultation with ministers, partners and stakeholders. Towards the end of each phase we will review progress and set out our objectives and delivery plan for the next phase in an update to this strategy.





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