



Europe Note

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Date	Keywords	Action
30 th July 2010	Intellectual Property Rights, Third Countries	Survey for response by 31 st October 2010

European Commission Survey on Intellectual Property Rights (IPR) Protection and Enforcement in Third Countries

Introduction

1. This Europe Note encourages institutions to participate in the European Commission's new survey regarding IPR protection and enforcement in third countries.

Survey Objectives and Content

2. The survey aims to help the Commission reduce the level of IPR infringements beyond EU borders, in particular in countries where it has reached worrying proportions and is seriously harming EU right holders.
3. The Commission is looking for input from involved stakeholders, including HEIs.
4. The survey covers the following issues:
 - Information about actual infringements suffered, measures undertaken against such infringements and the reaction from national authorities.
 - Information about the state of enforcement in the country concerned, and the main strengths and weaknesses of different approaches.

5. The survey focuses on those non-EU countries which are the most relevant to the EU from a trade policy perspective.
6. IPR protection and enforcement is increasingly important for HEIs, since teaching, learning, research, and the general dissemination of knowledge are becoming increasingly international and cross-border, enabled by modern information and communication technologies.
7. The results will be taken into account by the Directorate General (DG) in the European Commission responsible for TRADE when it reviews its future priorities for IP enforcement and protection. The survey data will also enable the Commission to update its list of "priority countries" with regard to enforcement [for more information, see the 2009 IPR Enforcement Report http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145204.pdf].

Background

8. Every two years, the Commission conducts a broad IPR enforcement survey. Based on this consultation and on other input, the EU sets out a list of priority countries in which the counterfeiting and piracy of IP rights remain a serious problem, and which should be the focus for future EU work.
9. The results of the survey constitute a valuable tool for businesses, in particular for SMEs, by making them aware of risks they might face when dealing with certain third countries. In the knowledge-based economy more than ever, IPR enforcement remains a key objective, which is vital for the competitiveness of European industry and for EU's growth and jobs.
10. The list of priority countries for 2009 was presented in three categories, starting with those countries in which the situation regarding IPR protection and/or enforcement is the most detrimental to EU competitiveness. They were as follows:
 - China
 - Indonesia, the Philippines, Thailand, Turkey
 - Argentina, Brazil, Canada, India, Israel, Korea, Malaysia, Russia, United States, Vietnam.
11. Historically, responses to past surveys have been very low, with the Commission only receiving just over 400 responses to the last survey in 2008¹. Given that the Commission bases some of its enforcement priorities on this data; it is in the UK's interest for the survey results to include as much information from the UK as possible.

How to respond

12. The Europe Unit encourages HEIs to take part in the survey, which can be accessed at: <http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=IPRsurvey2010>.
13. Respondents should reply to one questionnaire per country, and replies can be provided for as many countries as deemed necessary.

¹ Commission Staff Working Document, IPR Enforcement Report 2009
(http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145204.pdf)

14. Respondents are requested to complete the survey by Friday 31st October 2010, and responses should be copied to ipenforcement@ipo.gov.uk so that they can be taken into account in any discussions at Member State level.

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