

Advisory Committee on Enforcement

Sixteenth Session
Geneva, January 31 to February 2, 2024

SUMMARY BY THE CHAIR

adopted by the Committee

1. The sixteenth session of the Advisory Committee on Enforcement (ACE) was held from January 31 to February 2, 2024. The session was attended by 272 participants, representing 87 Member States, one Non-State Member and 28 Observers. Ms. Amanda Lothingen, Senior Manager, Copyright and Intellectual Property Enforcement, Companies and Intellectual Property Commission (CIPC), Department of Trade and Industry (DTI), South Africa, served as Chair. Mr. Yasser Al-Debassi, Executive Director, Intellectual Property Respect, Saudi Authority for Intellectual Property (SAIP), served as Vice-Chair.
2. Under agenda item 1, the Chair and Mr. J. Todd Reves, Director, Building Respect for Intellectual Property (BRIP) Division, Global Challenges and Partnerships Sector, WIPO, opened the session by welcoming the Committee and thanking Member States for their close engagement in the work of the Committee and the related activities undertaken by the Secretariat.
3. Under agenda item 2, the Committee adopted the Agenda (document WIPO/ACE/16/1).
4. Opening Statements were given by the African Group, the Group of Central European and Baltic States (CEBS), the Group of Latin American and Caribbean Countries (GRULAC), the Delegation of China, Group B, the Delegation of Ukraine, the Delegation of Iran (Islamic Republic of), the Delegation of Belgium, the Delegation of the European Union (EU), the Delegation of the Russian Federation, the Delegation of Brazil and the Delegation of Cambodia.
5. The Delegation of Ghana, speaking on behalf of the African Group, extended its gratitude to the Secretariat for preparing the session documents and organizing the meeting, congratulated the Chair and the Vice-Chair on their election and affirmed its readiness to contribute to the success of the meeting and to listen to the expert presentations and the

sharing of national experiences between Member States on the various topics on the agenda. The Delegation hoped for productive engagements and was eager to contribute constructively to the session. Lastly, the Delegation requested a minute of silence for their colleague from South Africa, Silindele Thabede, who had passed away the previous week.

6. The Delegation of the Republic of Moldova, speaking on behalf of CEBS, expressed its gratitude to the Chair and the Vice-Chair for their efforts in preparing the session and shared its view that, in the absence of a Committee session in 2023, the topics to be addressed during the session were both timely and important. It looked forward to the discussions, the exchange of national experiences and good practices, as well as the presentation of successful examples of activities to address modern challenges related to combating counterfeiting and piracy. With WIPO's central role in building healthy and effective intellectual property (IP) ecosystems, effectively combating IP infringements should be the focus of the Committee's work. Deficiencies in the IP system, such as counterfeiting and piracy, continued to harm the business environment and economic growth. Not only did they undermine consumer trust in high product quality and standards, but they were also detrimental to prospective investments and hampered healthy international cooperation based on technology and knowledge. Counterfeiting and piracy continued to expose society to low-quality products. The broad distribution of counterfeit medical products literally flooding markets during the pandemic was the best example of the potential risks of counterfeiting and piracy. Despite continued, intensive efforts undertaken by various stakeholders and countries, counterfeiting remained a cause of grave concern. According to the Organisation of Economic Co-operation and Development, the volume of counterfeit goods had reached a record level of more than USD 500 billion in recent years, which represented 3.3 per cent of global trade and, in real terms, corresponded to a medium-size economy. With the growing globalization of trade and production, no country or business could feel safe from the risks of counterfeiting. In this context, the discussion and exchange of national strategies and experiences regarding efficient ways of combating counterfeiting remained an important part of the efforts aimed at improving this situation. The members of the Group looked forward to the presentation of new ideas and initiatives undertaken at the national and regional levels to address this challenge. Considering that smaller businesses generated over three quarters of the employment in CEBS economies, the Group was especially interested in exchanging information with regards to the challenges and solutions for small and medium-sized enterprises (SMEs) in IP enforcement, which was particularly important in building an effective environment for the development of creative industries. Other countries' successful initiatives to support SMEs in enforcing their IP should serve as a beacon for Group members. The Delegation also noted that young entrepreneurs and consumers played an important role in the efforts aimed at combating counterfeiting as price and availability remained the main factors for buying counterfeits and for digital piracy. The increased tendency to purchase counterfeit products or use pirated digital content, as reported by the IP Youth Scoreboard prepared by the European Union Intellectual Property Office (EUIPO), necessitated enhanced activities in this regard. In this context, the Group recognized the importance of exchanging information on national experiences on awareness-building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States' educational or any other priorities. Changing the attitudes of young people towards illegal content or fake goods was the only way of effectively addressing this challenge. Group members would participate in this discussion by bringing their national experiences. The Group also welcomed the possibility of discussing national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanisms to resolve IP disputes in an effective manner. Because of digital transformation and the expanded scale of use of online services, addressing the challenges posed by online IP infringement were of paramount importance for the development of healthy IP ecosystems. The Group appreciated and awaited the exchange of information on national experiences in this regard. Moreover, the Delegation welcomed the agenda item on the role of new technologies in IP enforcement, especially concerning artificial

intelligence, which could become an important tool in the fight against the trafficking of counterfeit goods. Discussion on the localization of IP infringements in virtual environments, such as the Metaverse, should also contribute to a better and broader understanding of IP enforcement development trends. Likewise, the Group looked forward to the ACE Cinema and was glad that Group members also contributed to this important initiative. The Group also emphasized the importance of WIPO's legislative assistance with the aim of developing effective and tailored national enforcement laws. For the Group, these activities continued to be a priority for ensuring healthy IP ecosystems. In conclusion, the Group reiterated its commitment to actively engaging and participating in the discussions.

7. The Delegation of Brazil, speaking on behalf of GRULAC, welcomed the delegates present in the room and participants gathered online to discuss and collaborate on crucial matters related to IP enforcement. The Group conveyed its gratitude to WIPO for hosting the important gathering and noted that WIPO had consistently played a pivotal role in promoting and protecting IP rights on a global scale, fostering innovation, creativity and economic development in the process. That mission was even more challenging in the face of global issues in terms of climate change, loss of biodiversity, sustainable development and social inclusivity. The Group acknowledged that the enforcement of IP rights was a critical issue, which not only affected creators and innovators but also the global economy at large and which, as a multifaceted challenge, demanded collective attention and action. The advent of the digital age and the global interconnectedness of economies had brought new opportunities and, at the same time, new challenges in enforcing IP rights and providing real balance in terms of social and sustainable development. The Group recognized the diverse perspectives and unique challenge that its region faced in the realm of IP enforcement, a complex and diverse challenge that would benefit from a global and multi-agency approach. The Group also noted that the region was home to a rich tapestry of cultures, traditions and creative expressions, which deserved protection and recognition in the global arena. Balancing the need for effective IP enforcement with the promotion of cultural diversity and access to knowledge was an ongoing endeavor that required innovative solutions and an actual horizontal enabler to IP. The Group hoped to engage in constructive dialogue during the session, which would help address some of the key issues in IP enforcement, including improving legal frameworks, enhancing international cooperation and tackling emerging challenges, such as counterfeiting, online piracy and the protection of traditional knowledge. The Group voiced its belief that, through collaborative efforts, one could create a more robust and inclusive environment for IP enforcement that benefited all stakeholders. In conclusion, the Group reiterated its commitment to the objectives and principles of WIPO and the pursuit of balanced IP enforcement and looked forward to the fruitful deliberations throughout the session in the hope that the collective efforts would lead to tangible outcomes that would benefit creators, innovators and society as a whole.

8. The Delegation of China congratulated the Chair on the chairmanship of the session, expressed its wish for a successful session and thanked the Secretariat for carefully organizing the session. The Delegation emphasized that China attached great importance to the Committee's work and recognized WIPO's activities in building respect for IP between June 2022 and November 2023. The Delegation welcomed the WIPO Development Agenda as guidance for WIPO's work and shared its view that the work program agreed by Member States provided a functional framework for the ACE to fulfill its mandate in a transparent and constructive manner. The Delegation stated its commitment to actively collaborate with WIPO Member States and the Secretariat, namely in the areas of legislative assistance, capacity building, international coordination and IP awareness under the ACE framework. Noting the high number of speakers who would share their experiences and practices in IP enforcement and awareness raising, the Delegation was delighted to see that information sharing at the Committee was well received by Member States. The Delegation expressed its intention to continue supporting and participating in such exchanges and leveraging the role of the ACE as

a platform to do so. It recalled that the China National Intellectual Property Administration (CNIPA) would present China's positive practice in undertaking IP awareness-raising campaigns at the session and looked forward to hearing other insightful statements. Noting that the ACE played a key role in implementing Development Agenda Recommendation 45, the Delegation stated that it valued and supported the implementation of the Development Agenda and would continue taking part in the Committee's work in an active and constructive manner.

9. The Delegation of the Netherlands (Kingdom of the), speaking on behalf of Group B, thanked the Chair and the Vice Chair for their kind availability to lead the session and anticipated working collaboratively on carrying out the work program. Group B was confident that, under the leadership provided, a positive outcome would be achieved during this session. Group B also thanked the Secretariat and acknowledged their efforts in preparing the session and the associated documents. Moreover, Group B highly appreciated the role of the Committee as a forum for debating different IP enforcement experiences and policies in a constructive and outward-looking manner. It welcomed the interesting and stimulating exchange of views that characterized ACE sessions. In this context, it extended its gratitude to WIPO's BRIP Division for its efforts and activities in this field, noting that the overview presented in document WIPO/ACE/16/2 was impressive. Group B also welcomed the well-balanced work program and reiterated its strong support for the work and mission of the Committee. It remained highly committed to contributing usefully to it, was pleased with the contributions from several Group members to the session and appreciated the contributions received from other WIPO Member States, which was indicative of the importance of the Committee. Group B looked forward to the presentations and interactive discussions, such as the session on challenges and solutions for SMEs in IP enforcement. The Group emphasized that SMEs were the backbone of many countries' economies and highlighted that despite the importance of SMEs' ability to use the IP system to their advantage, there was still a lack of knowledge in this area. Group B also referred to the lack of awareness of IP, particularly amongst youth, and, in this context, welcomed the agenda point on national experiences on dedicated awareness-raising activities and strategic campaigns. The Group voiced particular interest in all initiatives that coordinated IP enforcement and looked forward with interest to the presentations regarding AI and IP enforcement. The Group highlighted the importance it attached to the ACE and IP enforcement, emphasizing that IP, while stimulating creators and innovators to create and invest, required effective and balanced enforcement mechanisms to fulfill its objectives. Enforcement was important, not only for right holders, but also for consumers and economies, irrespective of their stages of development, as it remained crucial for the well-functioning of the global IP system. Finally, the Group recognized the unique opportunity to share best practices and learn lessons from each other's experiences on an international scale, emphasizing the shared goal of achieving meaningful protection for IP, despite differing laws, regulations and views on IP enforcement worldwide.

10. The Delegation of Ukraine expressed its sincere gratitude to the Chair, the Vice-Chair and the Secretariat for the excellent preparation of the session and was confident that, under the Chair's guidance, the Committee would engage in productive discussions. The Delegation noted that its primary focus was on the discussion of national experiences concerning IP enforcement policies and regimes, mechanisms to resolve IP disputes, challenges and solutions for SMEs in IP enforcement, as well as new tools for detecting IP infringements. However, before addressing these topics, the Delegation wished to draw the Committee's attention to the flagrant violation of international humanitarian law by one of WIPO's Member States. The Delegation recalled that that day was the 707th day since the Russian Federation had initiated a full-scale invasion of Ukraine. Just a few days earlier, on January 23, the Russian Federation had destroyed the youth academy of football club Lokomotyv Kyiv, where hundreds of children practiced sports every day. Additionally, on the same day, the Russian Federation had targeted the central part of Kharkiv with missiles, causing significant damage to the National Academy of Legal Sciences of Ukraine. This academy, originally constructed in

1896, played a crucial role in the development and enhancement of legislation, particularly in the field of IP. The Delegation reported that Ukrainian law enforcement agencies had launched investigations into more than 120,000 war crimes and crimes of aggression, including the killing of more than 11,000 civilians (521 of whom children) and explained that those figures did not take into account the temporarily occupied areas. The Delegation stated its belief that the Russian Federation must be brought to justice for civilian infrastructure facilities damaged or destroyed in Ukraine, the number of which had exceeded 145,000. The Delegation also stated that Russian aggression destroyed Ukraine's cultural heritage on a scale unseen since World War II. The Delegation recalled that the International Centre for the Prosecution of the Crime of Aggression Against Ukraine, which had started its operations in The Hague, would support the preparation of crime of aggression cases by securing crucial evidence and facilitating case building at an early stage. The Delegation called on Member States not to ignore the fact that while the Committee was discussing the enforcement of IP rights, one WIPO Member State was violating the very principles and provisions of the UN Charter daily, denying an entire country and its people the right to life. At the same time, that same country enjoyed the privileges of WIPO and hosted a WIPO External Office in its capital. Noting that the Russian Federation had already been ousted from more than 42 international organizations, projects and platforms, the Delegation urged the Committee and the Secretariat to continue that policy of isolating the Russian Federation, especially with regard to the future work of WIPO and the Committee. The Delegation concluded by expressing its gratitude to WIPO and all Member States that consistently reaffirmed unwavering support and solidarity with Ukraine and its people.

11. The Delegation of the Republic of Moldova, speaking on behalf of CEBS, condemned the Russian Federation's continued war of aggression against Ukraine, which was a clear violation of international law, and demanded that the Russian Federation immediately stop this war, which had entailed a dramatic humanitarian situation and the severe loss of civilian infrastructure. As the Committee offered the opportunity to discuss ways of building national capacity in IP enforcement, including through international cooperation, information exchange, and the sharing of good practices and various initiatives, it was important to reflect upon the negative impact of that dramatic war, which for almost two years had brought unprecedented damage to the Ukrainian IP ecosystem and the national institutions safeguarding the development and protection of IP rights. The WIPO report on *Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System*, contained in document A/64/8 and presented during the previous year's Assemblies of the Member States of WIPO, confirmed the sad reality of a significant negative impact of the Russian Federation's war of aggression against Ukraine, which was reflected not only in the unprecedented damage of the infrastructure serving scientific, educational, research and cultural institutions, but most importantly also in the loss of the potential and capacity of various stakeholders of the Ukrainian IP ecosystem. The Group therefore welcomed the decision of the Assemblies of Member States of WIPO to continue relevant assistance and support for Ukraine's IP sector, hoping for its effective recovery, and looked forward to further reporting to WIPO Member States on these activities. The Group also reaffirmed UN General Assembly Resolution ES 11/4, condemning the attempted annexation of Ukraine's territories, and noted that it was a clear international indication that no territorial acquisition resulting from the threat or use of force should be recognized as legal. In conclusion, the Group continued to express solidarity with Ukraine and the Ukrainian people.

12. The Delegation of the Netherlands (Kingdom of the), speaking on behalf of Group B, declared that the Group was in full solidarity with the people of Ukraine and recalled the decision taken by the Assemblies of the Member States of WIPO in relation to document A/64/8 on *Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System*. According to the document, issued on 7 June 2023, the Russian Federation's war against Ukraine had negatively impacted Ukraine's IP enforcement sector. As an example, the Supreme Court faced serious challenges in the performance of its task due to the need to

ensure the administration of justice during martial law, shelling, power outages and disruption of Internet access and the need to ensure the safety of litigants, judges and staff. The Group stated that the Russian Federation's attempt to annex Ukrainian territories, declared on September 30, 2022, violated the territorial integrity and national sovereignty of Ukraine and that, as such, the Russian Federation was violating international law. The Group therefore did not recognize the attempted annexation of Ukrainian territories into the Russian Federation and was of the opinion that Ukraine's territorial integrity and sovereignty must be fully respected within the global IP system.

13. The Delegation of Iran (Islamic Republic of) congratulated the Chair and the Vice-Chair on their election, affirmed its commitment to a positive outcome of the Committee and thanked the Secretariat for all the preparations prior to and leading up to the ACE. The Delegation attached great importance to the work of the Committee, as it provided a valuable platform for Member States to share successful experiences and best practices in relation to awareness raising, capacity building and legislative assistance. It reiterated its commitment to improving the enforcement of IP rights and fostering respect for IP rights in a balanced manner as a guiding principle for the protection and enforcement of these rights. Effective enforcement should enable the legitimate protection of IP rights without restricting the dissemination of knowledge. The Delegation concurred with the statement that one of the main purposes of the enforcement of IP rights was to promote the transfer and dissemination of technological innovation, to the mutual advantage of producers and users of technological knowledge in a manner conducive to social and economic welfare and to a balance of right and obligations, as enshrined in Article 7 of the TRIPS Agreement. Lastly, the Delegation acknowledged that the technical assistance provided by WIPO on IP enforcement should constantly be in accordance with the spirit of Development Agenda Recommendation 45, which called upon WIPO to address IP enforcement in the context of broader societal interests and especially development-oriented concerns. The Delegation remained committed to further engagement with other Member States to move the discussions forward.

14. The Delegation of Belgium, speaking on behalf of the EU and its member states, voiced solidarity with Ukraine and supported the sovereignty and territorial integrity of Ukraine within its internationally recognized borders. The Delegation demanded that the Russian Federation immediately stop its unprovoked and unjustified war of aggression against Ukraine and cease all violations of international law. The Delegation stressed that the Russian Federation must instantly and completely withdraw its troops from the entire territory of Ukraine and fully respect Ukraine's territorial integrity, sovereignty and independence within its internationally recognized borders. In addition, the EU and its member states acknowledged the importance of WIPO's assistance and support for Ukraine's innovation and creativity sector and IP system and welcomed the decision taken at the 64th Series of Meetings of the Assemblies of the Member States of WIPO to continue these activities. The EU and its member states reiterated its support for working towards a prompt and efficient recovery process for the Ukrainian IP ecosystem and recognized the importance of WIPO's assistance and support for Ukraine's innovation and creativity sector and IP system.

15. The Delegation of the EU, speaking on behalf of its member states, expressed its gratitude to the Chair, the Vice-Chair, and the WIPO Secretariat for their preparation of the session and looked forward to continuing active cooperation and work under the agreed work program, strongly supporting the Committee's mission, which provided a unique opportunity at the international level for the exchange of information on new trends and challenges, as well as practical experiences and good practices in the fight against counterfeiting and piracy. Referring to the most recent sectoral study published by the Observatory on Infringements of Intellectual Property Rights of the EUIPO, the Delegation reported that the clothing, cosmetics and toy industries had suffered losses between 5 and 8 per cent of their total sales between 2018 and 2021. This had resulted in a loss of employment ranging from 3,600 to 160,000 jobs,

depending on the industry sector. Counterfeiting continued to be a significant concern, particularly for manufacturing industries, undermining the economy and product safety. The Delegation emphasized the pivotal role of effective protection and enforcement of IP rights in supporting companies' development and success. According to recent data, startups with a patent and a trademark during their early growth stages were ten times more likely to successfully secure funding. Additionally, a 2023 EUIPO study on online copyright infringement revealed a 3.3 per cent increase in digital piracy in 2022, with TV content being the most pirated type, accounting for nearly half of all piracy. Against this background, the Delegation considered the exchanges among WIPO Member States and Observers within the Committee to be particularly valuable. They had also served as an inspiration for the development of the EU Toolbox Against Counterfeiting, which was expected to be adopted in the next months. The Toolbox aimed to reinforce the capacity of the EU and its member states to protect the market from counterfeiting, both online and offline. The Toolbox, described as a Commission Recommendation, would be addressed to member states and economic operators and seek to involve all relevant actors, including enforcement authorities, in enhancing cooperation, empowering SMEs, encouraging harmonization of criminal IP rights sanctions, embracing advanced technologies and fostering IP awareness. The Delegation reiterated its strong commitment to contributing usefully to the Committee's work and looked forward to exchanging information on national experiences related to institutional arrangements concerning IP enforcement policies and regimes, where contributions from France, Portugal and the EUIPO were expected. The EUIPO's Observatory on Infringements of Intellectual Property Rights would deliver a presentation about the Recommendation on combating online piracy of sports and other live events, adopted by the European Commission on May 4, 2023, and the efforts within the EU to implement it. In this context, a network of national authorities had been launched to exchange information on experiences, challenges and good practices in combating the unauthorized retransmission of live events. The Delegation also highlighted the EU's contributions to the ACE Cinema with four videos produced by the EUIPO, which addressed an awareness-raising project during fashion events named *Fight Fake*, the dangers of counterfeit automotive spare parts, as well as the perceptions and behaviors of young people regarding IP right infringement. Slovenia would also contribute with a short animated anti-counterfeiting video. The EU and its member states welcomed that the agenda addressed the fight against counterfeiting in the physical environment in a balanced manner, by looking at consumer attitudes and behavior in relation to counterfeit goods, and the role of new technologies in IP enforcement. The Delegation was convinced that taking full advantage of the possibilities brought by novel and emerging technologies, and most notably artificial intelligence, could be a game changer in the fight against the trafficking of counterfeit goods, in particular in view of its potential to identify and differentiate fake products from authentic ones. The Delegation was also convinced that discussing issues of localization of IP infringements in virtual environments, such as the Metaverse, would prove to be highly beneficial, as these technologies were likely to gain influence in the coming years. The Delegation was particularly pleased that WIPO had been able to continue its efforts in providing legal and technical assistance to its Member States. As WIPO was the global forum for all IP-related matters, the EU and its member states stressed WIPO's important role in encouraging a coordination of Member States' efforts to combat infringements of all IP rights more effectively at both the national and international levels.

16. The Delegation of the Russian Federation, availing itself of the right of reply, stated that everyone was aware of the fact that the Ukrainian Armed Forces had shot down a Russian IL-76 transport aircraft on January 24, 2024. The plane, carrying approximately 70 Ukrainian prisoners of war, who were being transported for a pre-agreed transfer to the Ukrainian side, had been hit by an anti-aircraft missile fired from Ukrainian territory, killing the prisoners and crew. In light of this tragic event, involving the shooting down by the Ukrainian military of an aircraft carrying its own prisoners of war, there could hardly be any doubt as to the inhuman nature of the criminal acts committed by the Ukrainian authorities. The Delegation noted that,

given the failures of the Ukrainian Armed Forces on the front line, the increasing attempts by Ukraine to carry out mass strikes against civilians and civilian infrastructure using attack drones, mainly of origin in the United States of America, was highly revealing. While the Delegation could certainly continue to speak on the topic, referring to the numerous violations of international humanitarian law by Ukraine and calling on the global community to condemn Ukraine, it did not believe that WIPO was the appropriate platform for such discussions, noting that all were aware that the ACE mandate did not include discussions of war and peace. Considering the rich agenda for the following three days, the Delegation reiterated its call for constructive dialogue and non-politicization the work of the ACE. The Delegation expressed reliance on the support of the Secretariat, which was responsible for ensuring compliance with the rules of procedure and adherence to the Committee's agenda.

17. The Delegation of Brazil affirmed its deep commitment to the principles and objectives of WIPO, which played a crucial role in the promotion and protection of IP rights on a global scale. Brazil, as a nation committed to sustainable development and innovation, recognized the critical importance of IP in fostering creativity, research, technological development and environmental protection. The Delegation believed that effective protection of IP rights not only rewarded creators and innovators but also contributed to economic and social progress. One dimension that demonstrated Brazil's commitment to fighting crimes against IP was the existence of the National Council to Combat Piracy and Intellectual Property Crimes (CNCP), which brought together 25 advisers from both the public and private sectors, along with 200 entities, companies and stakeholders interested in the protection of IP. Addressing the complexities of current challenges, the Delegation urged the international community to seek collaborative and inclusive solutions, noting that access to IP must be balanced, allowing developing nations to fully participate in the global innovation landscape. The Delegation encouraged the implementation of policies that promoted technology transfer and knowledge sharing, ensuring that countries had the opportunity to contribute and benefit. The Delegation explained that, when discussing crimes against IP, it was referring to transnational networks and criminal organizations and highlighted that collaboration among actors fighting crime must occur between countries and that WIPO could be the primary stage for those collaboration networks. In order to stimulate discussion, the Delegation presented the initiatives that the new Brazilian Government had undertaken with the CNCP, pointing out that Brazil was reinvesting in the CNCP, establishing a permanent technical body that produced intelligence reports to support the entire state structure in combating piracy and other crimes against IP. Brazil had strengthened its land, maritime and air borders with the CNCP, aiming not only to increase the difficulty of entry for counterfeit products into the Brazilian market but also to identify national and international actors relevant in those illegal markets. Brazil was also implementing innovative regulations in the e-commerce market that would position it as one of the most advanced countries in terms of an e-market committed to the defense of IP. Among those measures, the Delegation highlighted the requirement for platforms to provide health and agricultural registration numbers for all products, as the counterfeiting of medicines, cosmetics, beverages and food was intolerable in Brazilian society. At the same time, Brazil was penalizing e-commerce platforms that showed resistance to any regulatory effort. Brazil's motto in this matter was: what was valid in the physical market must be valid in the digital market. On the international stage, the Delegation noted that Brazil would seek to work together with South American partners to encourage the creation of councils to combat IP crimes with the capacity to process information and data to support public policy in these countries. The Delegation understood that those bodies, acting as intelligence centers, were fundamental for the establishment of a true regional structure to combat IP crimes. The Delegation also emphasized that one of President Luiz Inácio Lula da Silva's main objectives was to expand the national industry and attract investments to Brazil, which was an agenda fully aligned with the defense of IP, protecting Brazilian creative efforts and those of industries worldwide that choose to invest in Brazil. The Delegation clarified that its intervention therefore also aimed at inviting countries and other actors that still perceived Brazil as a nation that did not effectively combat

piracy to learn about the country's initiatives and commitment. Furthermore, the Delegation highlighted the importance of finding ways to reconcile the protection of IP rights with the urgent need to address global challenges, such as public health and climate change, calling on WIPO Member States to find solutions that balanced commercial interests with social responsibility, ensuring that innovations were accessible to all. The Delegation reminded the Committee about the debate on the topic of biopiracy and the defense of genetic resources, a topic of special relevance in the year in which the Diplomatic Conference on Genetic Resources and Associated Traditional Knowledge would be held. Biopiracy made the challenges of preserving Brazil's greatest natural wealth and one of the greatest in the world, the Amazon Forest, even more immense. Biopiracy still created economic and security difficulties for developing countries, thus presenting a major barrier to the effective implementation of the Development Agenda. The few beneficiaries of this type of activity created major problems for the entire world and for the functioning of the IP system. The Delegation therefore expected greater commitment from the international community to curb the misappropriation of genetic resources and associated traditional knowledge. The Delegation reaffirmed Brazil's commitment to actively collaborate with all WIPO Member States to strengthen the global IP system and its willingness to contribute with constructive ideas, promote open dialogue and work together to ensure that WIPO continued to play a vital role in promoting human progress and stimulating innovation worldwide.

18. The Delegation of Cambodia congratulated the officers on their election, expressed its confidence that, under their leadership, the session would be productive, and reiterated its support and collaboration. The Delegation thanked WIPO for its continued support throughout the years to better develop Cambodia's IP ecosystem and for providing assistance on IP development and enforcement, *inter alia* by supporting the implementation of Cambodia's national IP policy, which had been adopted in December 2023, as well as relevant strategies and initiatives in line with the WIPO Development Agenda. The Delegation thanked the Secretariat for its organization of the session and looked forward to interactive discussions and the sharing of valuable experiences.

19. Under agenda item 3, the Committee decided to recommend, to the WIPO General Assembly, the repeal of a special rule of procedure of the ACE, as set out in paragraphs 6 and 8 of document WIPO/ACE/16/18.

20. Under agenda item 4, officers for the seventeenth ACE session were elected on the understanding that their term would begin following the final meeting of the sixteenth ACE session and that they would remain in office until the terms of office of newly elected officers would begin. Mr. Taffy Yiu, Head, Intellectual Property Enforcement Policy, Intellectual Property Office, United Kingdom, was elected as Chair. Ms. Borana Ajazi, Director, Copyright Office, Ministry of Culture, Albania, and Ms. Mercy K. Kainobwisho, Registrar General, Uganda Registration Services Bureau (URSB), were elected as Vice-Chairs.

21. Under agenda item 5, the Committee approved the participation of three non-governmental organizations as ad hoc Observers, namely, the Intellectual Property Hub Zambia (IPHZ), the International Olympic Committee (IOC) and the Sports Rights Owners Coalition (SROC) (document WIPO/ACE/16/3 Rev).

22. Under agenda item 6, the Committee heard 30 expert presentations, three panel discussions and two Secretariat presentations relating to the various items of the work program (documents WIPO/ACE/16/4 to WIPO/ACE/16/17).

23. Under work program item A (exchange of information on national experiences on awareness building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States' educational

or any other priorities), two studies were presented, namely *Consumption Behavior of Pirated Copyright Works* by Dr. Xuemei Bian, Professor in Marketing, Newcastle Business School, Northumbria University, Newcastle, United Kingdom, and *Consumer Attitudes and Behavior in Relation to Counterfeit Goods – Survey Results from Six ASEAN Countries* by Mr. Mike Clubbe, Independent Market Researcher, Twickenham, United Kingdom. The studies are included in documents WIPO/ACE/16/7 and WIPO/ACE/16/8, respectively. In addition, four Member States shared their national experiences with raising awareness of the importance of respect for IP: *Innovative Ways of Narrating China's Intellectual Property Stories* by the CNIPA; *Stimulating Creativity and Enriching National Cultural Identity in Peru* by the National Institute for the Defense of Free Competition and the Protection of Intellectual Property (INDECOPI); *Raising Awareness of the Importance of Respect for Intellectual Property in Portugal* by the Portuguese Institute of Industrial Property (INPI); *Increasing Intellectual Property Knowledge Among Moldovan Youth – The Role of the State Agency on Intellectual Property* by the State Agency on Intellectual Property (AGEPI) of the Republic of Moldova. Reference is made to document WIPO/ACE/16/9. Discussions followed with interventions by the Delegations of China and Japan.

24. Under work program item B (exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanisms to resolve IP disputes in a balanced, holistic and effective manner), presentations were grouped into six topics.

25. Under the topic Addressing Offline Intellectual Property Infringement, the Secretariat presented on *Current Practices in the Area of Customs Recordation: Report on Results of Survey*. Reference is made to document WIPO/ACE/16/4. In addition, two Member States shared their national experiences addressing online IP infringement: *The Upcycling of Seized Counterfeit Goods in South Africa* by the CIPC, South Africa, and *The Tick Box Public-Private Partnership for the Self Storage Industry in the United Kingdom* by the Intellectual Property Office of the United Kingdom. These contributions are compiled in document WIPO/ACE/16/5. Discussions followed with interventions by the Delegations of China, Spain, Switzerland, Japan and the Representative of the European Brands Association (AIM).

26. Under the topic Challenges and Solutions for Small and Medium-sized Enterprises in Intellectual Property Enforcement, one Member State, one private sector association and one legal and public policy expert shared their experiences: *Initiatives to Support Small and Medium-sized Enterprises in Enforcing Their Intellectual Property Rights in France* by the National Anti-counterfeiting Committee of France; *Intellectual Property Enforcement and Small and Medium-sized Enterprises in the United Kingdom Design Sector – Challenges and Solutions* by Anti Copying in Design (ACID), United Kingdom; and *Intellectual Property Enforcement and Small and Medium-sized Enterprises – An Overview of Challenges and Solutions* by Dr. Mohamed Hegazy, Senior Legal and Public Policy Consultant, Egypt. These contributions are compiled in document WIPO/ACE/16/6.

27. Under the topic Addressing Online Intellectual Property Infringement, three studies were presented, namely, *The Localization of Intellectual Property Infringements in the Online Environment – From Web 2.0 to Web 3.0 and the Metaverse* by Dr. Eleonora Rosati, Professor of Intellectual Property Law, University of Stockholm; *Practices Used by Online Marketplaces to Tackle the Trade in Counterfeits* by Dr. David Shepherd, Senior Lecturer, School of Criminology and Criminal Justice, University of Portsmouth, United Kingdom; and *Technical, Legal and Judicial Aspects of the Illegal Retransmission of Live Broadcasts Through Internet Streaming* by Mr. Shaun Wigley, Teaching Associate, Griffith Business School, Griffith University, Brisbane, Australia. These studies are included in documents WIPO/ACE/16/10, WIPO/ACE/16/11 and WIPO/ACE/16/13, respectively. In addition, three Member States shared their national experiences in addressing online IP infringement: *Anti-Counterfeiting Technologies in Japan –*

State of Play and Challenges Ahead by the Japan Patent Office (JPO); *The Role of Internet Access Providers and Online Service Providers in Addressing Intellectual Property Right Infringements and Its Evolution within the Mexican Legal System* by the Mexican Industrial Property Institute (IMPI); and *Combating Online Piracy of Sports and Other Live Events in the European Union* by the EUIPO. These contributions are compiled in document WIPO/ACE/16/12. A panel discussion took place, moderated by Mr. Andrey Lucas Macedo Corrêa, Executive Secretary, CNCP, Brazil, with interventions by the Delegations of China, Sierra Leone, Paraguay and Indonesia.

28. Under the topic Coordinating Intellectual Property Enforcement, seven Member States shared their experiences: *Coordinating Intellectual Property Enforcement in Cambodia* by the Department of Intellectual Property, Ministry of Commerce, Cambodia; *The Inter-ministerial Council for Intellectual Property: Coordinating the Enforcement of Intellectual Property Rights in the Dominican Republic* by the Constitutional Court of the Dominican Republic; *Countering Counterfeits: Kenya's Decisive Steps Towards Intellectual Property Protection and Enforcement* by the Anti-Counterfeit Authority (ACA) of Kenya; *Recent Operations of the Korean Intellectual Property Office's Tech Police: Integrated Reporting and Consultation Center and Joint International Investigation* by the Korean Intellectual Property Office (KIPO); *Coordinating the Enforcement of Intellectual Property Rights in Saudi Arabia* by the SAIP; *The Experience of the Uganda Registration Services Bureau in Coordinating Intellectual Property Enforcement* by the URSB; and *Intellectual Property Enforcement Coordination in the United States of America* by the Office of the Intellectual Property Enforcement Coordinator of the United States of America. These contributions are compiled in WIPO/ACE/16/14. A panel discussion took place, moderated by Ms. Kristi O'Malley, International Computer Hacking & Intellectual Property (ICHIP) Attorney Advisor, Office of Overseas Prosecutorial Development, Assistance and Training, United States Department of Justice, Embassy of the United States of America, Bucharest, with an intervention by the Delegation of China.

29. Under the topic Artificial Intelligence and Intellectual Property Enforcement, four contributions were presented by academics and private sector entities: *Artificial Intelligence and Intellectual Property Enforcement – Overview of Challenges and Opportunities* by Mr. Dennis Collopy, Senior Research Fellow, School of Creative Arts, University of Hertfordshire, United Kingdom; *An Innovative Approach to Anti-Counterfeiting: Artificial Intelligence-powered Parcel Inspection for Intellectual Property Enforcement* by Countercheck; *Artificial Intelligence in the Music Industry: Its Use by Pirates and Right Holders* by Universal Music Group; and *The Use of Artificial Intelligence by Mercado Libre to Detect and Terminate Intellectual Property Infringement* by Mercado Libre. These contributions are compiled in WIPO/ACE/16/15. A panel discussion took place, moderated by Mr. Harrie Temmink, Head of Service Intellectual Property in the Digital World, European Observatory on Infringements of Intellectual Property Rights, EUIPO, with an intervention by the Representative of AIM.

30. Under the topic The Prosecution of Intellectual Property Crime, the Secretariat presented a document on *The Prosecution of Intellectual Property Crime: Report on Results of Survey*. Reference is made to document WIPO/ACE/16/16. In addition, two Member States shared their national experiences with prosecuting IP crime: *Prosecuting Intellectual Property Crime in the Dominican Republic* by the Constitutional Court of the Dominican Republic and *Prosecuting Technology Leaks in the Republic of Korea* by the Supreme Prosecutors' Office of the Republic of Korea. These contributions are compiled in document WIPO/ACE/16/17. Discussions followed with an interventions by the Delegation of Zambia.

31. Under work program items C (exchange of information on national experiences in respect of WIPO's legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in

accordance with Member States' priorities) and D (exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate), no Delegation or Representative requested the floor.

32. Under agenda item 7, the Secretariat introduced document WIPO/ACE/16/2 on recent activities of WIPO in the field of building respect for IP, guided by the 2022/2023 Program of Work and Budget, Development Agenda Recommendation 45, WIPO Strategic Pillar 2 (Bring People Together and Partner with Stakeholders to Shape the Future of the Global IP Ecosystem) and WIPO Expected Result 2.3 (International Dialogue and Cooperation on Building Respect for IP). The document set out technical assistance in the field of IP enforcement and building respect for IP, where requested services included legislative assistance, as well as training and awareness raising for law enforcement officials, customs officials, prosecutors and the judiciary. The document also included activities aimed at further enhancing systematic and effective international cooperation with other international organizations, non-governmental organizations (NGOs), and the private sector, in order to ensure a balanced and transparent approach. The Secretariat noted that the description of each activity in the document was accompanied by information about the venue, any partnering organizations, participating countries, a brief summary of the objectives of the activity, and a web link to the full program, if available. The Committee took note of the information contained in the document.

33. Under agenda item 8, the Committee agreed to continue to consider, at its seventeenth session, the following work program items:

- exchange of information on national experiences on awareness-building activities and strategic campaigns as a means for building respect for IP among the general public, especially the youth, in accordance with Member States' educational or any other priorities;
- exchange of information on national experiences relating to institutional arrangements concerning IP enforcement policies and regimes, including mechanisms to resolve IP disputes in a balanced, holistic and effective manner;
- exchange of information on national experiences in respect of WIPO's legislative assistance, with a focus on drafting national laws of enforcement that take into account the flexibilities, the level of development, the difference in legal tradition and the possible abuse of enforcement procedures, bearing in mind the broader societal interest and in accordance with Member States' priorities; and
- exchange of success stories on capacity building and support from WIPO for training activities at national and regional levels for Agencies and national officials in line with relevant Development Agenda Recommendations and the ACE mandate.

34. The Delegation of Brazil, speaking on behalf of GRULAC, proposed to include, under the second of the four agreed-upon work program items for discussion at the seventeenth session of the ACE, the topic of biopiracy. The Delegations of Colombia, Ecuador, Guatemala and Paraguay expressly stated their support of the proposal. The proposal was also supported by the Delegation of Ghana, speaking on behalf of the African Group. The Delegation of the Netherlands (Kingdom of the), speaking on behalf of Group B, acknowledged the proposal and expressed certain reservations. These reservations were also shared by the Delegation of Poland, speaking on behalf of CEBS, as well as the Delegation of the EU. After consultations, it was agreed to request the Secretariat to prepare a proposal taking all views into account and present it to the Group Coordinators at the first consultation meeting in preparation of the seventeenth ACE session, to be held no earlier than June 2024.

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