

Counterfeiting Confidential



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Consumption of illegal cigarettes increases in Europe

A new study by KPMG, commissioned by Philip Morris, has found that consumption of contraband and counterfeit cigarettes in the EU grew by 0.7 percent last year, equating to around 300 million cigarettes.

While this is a lower rate than in previous years (in 2021, consumption rose by 3.9 percent, or 1.3 billion cigarettes), a number of markets continue to show high levels of consumption of illicit tobacco products.

France, for example, which saw an additional 1.8 billion contraband and counterfeit cigarettes consumed last year, accounts for almost half (47 percent) of EU27 illicit consumption.

The majority of EU markets experienced a stable or declining consumption share of illicit cigarettes in 2022, the study found.

According to the study, had the illicit cigarettes been legally purchased in the countries in which they were consumed, an additional €11.3 billion in taxes would have been raised in the EU27.

The report shows the markets in which consumption of contraband and counterfeit cigarettes is highest, ranked in percentage terms and based on 2022 data.

1. France: 32 percent (16.9 billion cigarettes)
France is the European country with the highest percentage of contraband and counterfeit cigarettes consumed, with close to one third (32 percent) of all cigarettes consumed being of illicit origin. The share of contraband and counterfeit cigarette consumption rose by 3.1 percentage points last year.

2. Ireland: 24 percent (0.8 billion cigarettes)
Ireland ranks second with an illicit cigarette consumption rate of 24 percent, or 800 million cigarettes. The share

increased by 7.6 percentage points last year, according to the study.

3. United Kingdom: 21 percent (5.9 billion cigarettes)
The United Kingdom follows closely behind, with 21 percent of its total cigarette consumption comprising contraband and counterfeit products. The share increased by 3.1 percentage points last year.

4. Greece: 21 percent (2.9 billion cigarettes)
Sharing the same percentage as the UK, Greece reported consumption of 2.9 billion contraband and counterfeit cigarettes last year. The share decreased by 3.1 percentage points last year.

5. Ukraine: 20 percent (7.4 billion cigarettes)
Ukraine saw consumption of 7.4 billion illicit cigarettes in 2022, representing 20 percent of its total cigarette consumption. This share increased by 2.8 percentage points last year.

6. Lithuania: 19 percent (0.5 billion cigarettes)
Lithuania ranks sixth, with 19% of its total cigarette consumption attributed to illicit products in 2022. This was up marginally (+0.1 percentage points) on the previous year.

7. Finland: 15 percent (0.5 billion cigarettes)
According to the data, some 15 percent of Finland's total cigarette consumption comprising illicit products. The share rose by 1.1 percentage points in 2022.

8. Latvia: 15 percent (0.3 billion cigarettes)
Latvia shares a similar percentage to Finland, with 15 percent of its total cigarette consumption categorised as contraband and counterfeit. This share was down 1.0 percentage points last year.

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Holograms

IHMA: 'urgent' need to grow brand protection measures

A European Commission report in May opens the way to strong growth and opportunity for anti-counterfeiting security devices such as holograms in developing countries, according to the International Hologram Manufacturers Association (IHMA).

According to the European Commission's biennial "Report on the Protection and Enforcement of Intellectual Property Rights in third countries", illicit trade in fakes remains a serious risk to modern, open and globalised economies in third countries.

Almost 70 million counterfeit items were seized by EU authorities in 2022 while counterfeit and pirated goods account for an estimated 3 percent of world trade and upwards of €119 billion (or 5.8 percent) of EU imports, according to current figures.

Pharmaceuticals, alcohol, tobacco food items, cosmetics and toys are all among the goods often targeted by criminals and counterfeiters looking to cash in on unwary consumers, particularly as developing countries continue to recover from the impact of Covid and struggle in the face of challenging economic conditions and political instability.

China remains the top priority for efforts and resources to be devoted towards improving IPR (Intellectual Property Rights) protection and enforcement worldwide. India, Turkey, Argentina, Brazil, Ecuador, Indonesia, Malaysia, Nigeria, Saudi Arabia and Thailand also are priority countries.

This opens the door further to fresh investment by national governments and law enforcement agencies in anti-counterfeiting and authentication devices such as holograms which the IHMA says, are among the most active technologies in IP rights' protection.

Chair of IHMA Dr Paul Dunn, said, "The most obvious owners of intellectual property rights are brand owners, who own the brand names. These appear on many of the traded goods familiar to consumers around the world – the better known the name, the more valuable the brand and hence the IP associated with that brand.

"However, the EC report once again warns that brands and their associated IP stock, remain at risk from resourceful counterfeiters and criminals. Owners need to invest to protect their brands, reputation and profits –

and holograms are one of the most effective ways to do that.

"The ever-evolving anti-counterfeiting role of holograms lies in their ability to combine authentication with detection – and this is why the more enlightened brand owners in developing markets should consider them an integral part of their authentication plans."

This paves the way for holography growth, he added "The use of authentication solutions – as advocated by the ISO 12931 standard – enables examiners to verify the authenticity of a legitimate product, differentiating it from fake products emanating from counterfeiting hot spots. Even those that carry a 'fake' authentication feature can be distinguished from the genuine item if that item carries a carefully thought-out authentication solution," said Dr. Dunn.

*** Counterfeiting Intelligence Bureau operates the Hologram Image Register (HIR) on behalf of IHMA. HIR is a register of holograms that exists worldwide, updated regularly by IHMA members and operated under conditions of strict confidence and security. HIR protects IHMA members and their customers from inadvertent counterfeiting of holograms and copyright infringement. Email: cib@icc-ccs.org for details.*

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9. Estonia: 14 percent (0.2 billion cigarettes)
Estonia ranks ninth with an illicit cigarette consumption rate of 14 percent. The share of contraband and counterfeit cigarettes rose by 3.6 percentage points last year.

10. Cyprus: 13 percent (0.1 billion cigarettes)
While it is one of the smaller markets involved in the study, contraband and counterfeit cigarettes are still an issue in Cyprus, accounting for 13 percent of total cigarette consumption. This was down 1.6 percentage points last year.

Other markets in which consumption of contraband and counterfeit cigarettes runs into double digits includes Norway – 12 percent (0.2 billion cigarettes); Netherlands – 11 percent (1.2 billion cigarettes) and Belgium – 10 percent (0.9 billion cigarettes). The markets in which illicit cigarette consumption is lowest include Croatia, Luxembourg, Poland, Portugal, Romania and Slovenia.
~ Source: European Supermarket Magazine

Rise in patent and trademark applications in China

China saw a rapid increase in applications of patents and trademarks last year, while imposing harsh punishment against intellectual property rights breakers, the country's top IP regulator has said.

The China National Intellectual Property Administration issued a white paper on 2022 IP protection, in which it shows that the number of valid invention patents was over 4.21 million last year, up 17.1 percent year-on-year.

The figure of valid trademarks had reached 42.67 million by the end of last year, up 14.6 year-on-year, read the paper. In addition, applications of geographic indications and new varieties of plants also increased in 2022, it added.

"Those numbers show that IP-related registrations in our country have continued to go up, and the efficiency of reviewing the applications has also improved," said Zhang Zhicheng, spokesman for the administration.

While witnessing the increasing applications, meaning a sustained vitality of the market, China has also given stronger administrative and judicial protection for IP rights owners, according to the paper.

Tong Bo, an official from the State Administration for Market Regulation, cited data as showing that market

supervision agencies across the country dealt with 43,500 cases of infringing upon patents and trademarks in 2022, making contributions to building a better environment for innovators and safeguard legitimate rights of IP holders.

"For problems that are mostly complained among public, such as those on people's health and safety, we have paid greater efforts in inspection and fight, with harsher punishment against counterfeits producers and those faking patents," she said.

In addition, Chinese courts accepted 526,165 IP-related disputes in 2022, with a rise of lawsuits involving patents and technical contracts, Ding Guangyu, deputy chief judge of No 3 Civil Adjudication Tribunal with the Supreme People's Court, the country's top court, said.

"Courts nationwide fully protected IP rights and business secrets, so as to promote the development of core technologies and innovation in major and emerging industries as well as to serve economic growth," he said.

Since last year, courts across the country have also been required to increase criminal punishments to people damaging IP rights concerning seeds, with intensified combat against offenders who made use of new technologies, including artificial intelligence and the internet of things, to infringe upon IP rights, he added. ~ *Source: China Daily*

Lidl wins injunction against Tesco

German-owned discount supermarket Lidl can have an injunction to stop rival Tesco copying its logo, London's High Court has ruled, despite hearing it will cost Tesco nearly £8 million to remove them all.

Britain's biggest retailer Tesco in April lost a trademark lawsuit brought by Lidl after Tesco adopted a yellow circle against a blue background to promote its "Clubcard Prices" discount scheme.

Lidl then sought an injunction preventing Tesco from infringing its trademark, arguing last month that it was needed to stop Tesco from deceiving consumers.

Tesco's lawyers argued it was unnecessary to impose an injunction and that its infringement of Lidl's trademark could be resolved by paying a small amount of damages.

The retailer's head of legal, Ryan Hetherington, described in a witness statement how difficult it would be for Tesco, which he said uses more than 8 million Clubcard Prices logos in its stores, with more in online, TV and print advertising.

But Judge Joanna Smith ruled that Lidl is entitled to an injunction, which will not take effect until any appeals by Lidl and Tesco – both of which have said they will challenge her original ruling – have been resolved.

"The only certain way to put an end to the loss that Lidl is incurring by reason of the continuing use of the (Clubcard Price) signs is to grant a final injunction," she said.

The judge said Tesco will have nine weeks to remove all Clubcard Prices logos once the proceedings are over, in the event Tesco is unsuccessful on appeal. ~ *Source: Reuters*

Young people buying more counterfeit products

The number of young people intentionally buying counterfeit products has increased by 37 percent in the last twelve months, says a survey from the European Observatory.

The findings are contained in the 2022 EU-wide survey (IP Youth Scoreboard) on the perceptions of IP among young Europeans.

The survey aims to shed light on the latest trends in the use of legal and illegal online sources among Europeans aged 15 to 24, and their perceptions and behaviours towards counterfeit goods.

The counterfeit products that young people most commonly buy intentionally are clothes and accessories (17 percent), followed by footwear (14 percent), electronic devices (13 percent), and hygiene,

cosmetics, personal care and perfumes (12 percent).

Intentional piracy remains stable, with 21 percent of young consumers (one in five) acknowledging they accessed pirated content on purpose in the last 12 months.

However, access from legal sources is gaining ground among the younger generations.

Sixty percent claimed to have not used, played, downloaded or streamed content from illegal sources in the past year, compared to 50 percent in 2019 and 40 percent in 2016, thus confirming the trend.

Key drivers

- Price and availability continue to be the main reasons for buying fake products and accessing

pirated content intentionally. However, social influences, such as the behaviour of family, friends or acquaintances, are gaining significant ground.

- For both products and digital content, young people mentioned personal risks of cyber fraud and cyberthreats as important factors that would curb their behaviours.
- Also, a better understanding of the negative impact on the environment or on society are now more widely mentioned by the young people surveyed.

This study is the third edition of the Youth Scoreboard series, which was first released by the EUIPO in 2016 and then again in 2019. .

Number of sophisticated fake watches on the rise

The number of sophisticated fake watches uncovered by pre-owned dealer Watchfinder & Co is rising, with Rolex replicas accounting for about half of the knockoffs.

As many as 10 percent of the watches received from sellers last year were determined to be fakes during an authentication process, according to Watchfinder Chief Executive Officer, Arjen van de Vall.

“Rolex is the most aspirational luxury watch brand and the highest demand, hence it’s the most replicated,” van de Vall said in an interview with *Bloomberg Radio*.

Fakes are also becoming more sophisticated and harder to spot. Watchfinder used to be able to identify about 80 percent of bogus time pieces by sight alone but now that’s just 20 percent, he said.

Employees at the company, owned by Swiss luxury conglomerate Richemont, now need to perform more

detailed inspections including opening watch casebacks and checking movements to identify the high-end knockoffs.

Fake or replica luxury watches are a growing problem in the \$27.3 billion per year secondary watch market with some counterfeit versions fooling even the most knowledgeable experts.

Last year, Rolex began a certified pre-owned program that authenticates used watches sold through authorised dealers. ~ *Bloomberg*

A trader in England has been caught selling counterfeit cigarettes and tobacco three times in as many years. He pleaded guilty to 17 breaches of the tobacco and trademark regulations. He was caught by Trading Standards in October 2021, January 2022 and February 2023 selling counterfeit cigarettes and tobacco in Kidlington. On the final occasion alone he had almost 700 cartons of 20 cigarettes. ~ *Source: Oxford Mail*

Ukraine inks new partnership with EU Intellectual Property Office

The new Ukrainian National Office for Intellectual Property and Innovations (UANIPIO) and the European Union Intellectual Property Office (EUIPO) have signed a Memorandum of Understanding (MoU) that marks the beginning of a partnership to strengthen Ukraine's Intellectual Property (IP) system.

The agreement was signed in Geneva by Andrea Di Carlo, EUIPO Deputy Executive Director, and Olena Orliuk, UANIPIO Director, while attending the sixty-fourth series of meetings of the assemblies of the World Intellectual Property Office Member States (WIPO).

The MoU's primary focus is to strengthen cooperation with Ukraine in the field of intellectual property. Additionally, in light of Ukraine's status as an EU candidate country, the MoU also represents a significant milestone in its journey towards closer integration into the EU Single Market. As Ambassador Lotte Knudsen said, "this MoU between the two IP Offices shows the strong and continuous support and commitment of the EU with Ukraine".

From now on, the Ukrainian IP Office can benefit from management and examiner tools, harmonisation of trademark and design registration and examination practices, as well as staff training opportunities, and cooperation.

The MoU also includes enforcement-related activities, such as the mutual exchange of information on IP economic-related studies, enforcement or anti-scam. In addition, it paves the way for the integration of Ukraine's trademark and design data within the EUIPO's trademark and design databases, including TMview, Tmclass, DesignView, and Designclass.

"Harmonisation with EU rules is expected to enhance foreign investment opportunities and facilitate the internationalisation of local businesses in Ukraine. These efforts will also play a pivotal role in upgrading Ukraine's trademark and design system and ultimately help its integration into the EU," said Mr. Di Carlo.

"This Memorandum sets out areas of cooperation, build the grounds for new joint projects and the development of past work. But the most important aspect is that it clearly marks our European path of harmonisation and partnership and will bring benefits to our applicants and the whole IP system," said Ms. Orliuk.

The MoU is part of a long-standing collaboration with Ukraine. Since 2022, the EUIPO took measures to provide its fullest support to Ukrainian customers and to safeguard their IP rights while continuing the technical work and cooperation with Ukrainian IP authorities.

In addition, the MoU contributes to the EU's broader efforts to deepen the integration of the UANIPIO into the EU's IP systems. Discussions are underway for an international IP cooperation project at the regional level, involving Georgia, Moldova and Ukraine.

The MoU also builds upon a ground-breaking agreement reached earlier this year between the European Commission and Ukraine, allowing the latter to participate in the activities financed by the European Union under the Single Market Programme.

The recent extension of the Ideas Powered for Business SME Fund to Ukrainian businesses, for instance, now provides Ukrainian businesses with increased access to funding, resources, and support, a decision recently adopted that is part of the multi-annual contribution agreement between the European Commission and the EUIPO.

The European Union Intellectual Property Office (EUIPO) has launched an open call for expression of interest for e-commerce marketplaces that would like to collaborate with the organisation to create a digital environment to raise awareness about IP rights in e-commerce marketplaces.

The Office notes, "A recent EUIPO survey shows that 85 percent of SMEs benefiting from the Ideas Powered for business SME Fund maintain both an online and physical presence, indicating the growing importance of e-commerce channels for European businesses. With the rise of e-commerce, protecting IP assets has become more important for these businesses. E-commerce marketplaces play a crucial role in supporting SMEs that operate as online sellers and are key stakeholders in promoting IP awareness among EU businesses."

As such, the office plans to increase IP awareness among online sellers and is seeking to collaborate with marketplaces by providing material on intellectual property, organising training and sharing information for online sellers. ~ Source: *World Trademark Review*

United Kingdom

Largest haul of fake goods worth £87m seized in UK

A record-breaking haul of counterfeit items worth an estimated £87m has been seized by police in Manchester, England.

During the raids, which were part of Operation Vulcan, more than 580 tonnes of clothes, drugs, tobacco, vapes and nitrous oxide canisters were found in 207 shipping containers in the Cheetham Hill area.

Police said the "monumental" stash was the largest seizure in United Kingdom's history, the largest in Europe in nearly two decades and one of the biggest globally.

It took two weeks for more than a 100 people - police, brand experts and a security company - to crack open the containers and process the fake gear.



The search warrants were developed from a covert operation and intelligence from the community and partners and saw a combination of over 100 officers and multiple agencies working together.

An intensive investigation is now underway to trace where these items originated and to ensure those involved are arrested.

Detective Inspector Christian Julien, one of Operation Vulcan's specialist officers, said, "This latest seizure by Operation Vulcan elevates Greater Manchester Police onto the global stage, placing us in the top three worldwide for a single seizure of counterfeit items.

"I hope that our work so far has shown the true scale of the counterfeit trade in the UK, the majority of which was

on our doorstep here in Manchester. It's important to recognise the serious impact of sophisticated and large-scale counterfeit operations like this and I would like to take this opportunity to remind members of the public of its links to serious organised crime.

"It isn't a bargain so please be under no illusions - this type of crime is not victimless. Criminals are making vast amounts of money from this trade which is being funnelled into fuelling further criminality, exploitation, and misery not just in Manchester, but across the world. This may be our largest raid to date, but we must continue to build on these efforts to identify the criminal networks behind this activity whose only concern is making a profit, no matter what the cost is to the public."

British Museum accused of copyright

The British Museum has removed translations of poetry by a Chinese revolutionary from one of its exhibitions after a translator alleged that her work was used without permission or payment.

Vancouver-based editor, poet, and translator Yilin Wang said she did not receive any credit or reimbursement for their translations when they appeared in "China's Hidden Century," which opened May 18 and includes translations of poetry by Qiu Jin, a feminist and revolutionary the New York Times dubbed "China's Joan of Arc."

Wang said the translations of Qiu Jin's poetry were originally published in the LA Review of Books in 2021, and that they were used in the exhibition's text, a photo wall, a large-print guide, and the catalogue. The large-print guide mentions that the exhibition "is the result of a four-year

research project, undertaken by over 100 scholars from 14 countries. It includes 300 objects from around the world."

On June 19, Wang tweeted, "hey @britishmuseum, I am demanding all my translations to be removed from the China's Hidden Century exhibit and all materials pertaining to the exhibit (including the exhibition books, all video/photo/display materials, all signage, all digital or print materials such as brochures, and anywhere else where translations have appeared), unless the museum makes a proper offer to compensate me and the compensation is given immediately."

The British Museum told the Guardian, "The British Museum takes copyright permissions seriously. We have been in touch with Yilin Wang directly to discuss this matter." ~ Source: ARTnews

Russia

Russian over-the-top (OTT) services and TV channels are opposed a plan by the country's Duma (Parliament) to use the content of foreign copyright holders without their permission.

According to the newspaper *Kommersant*, they instead favour only giving access to such content to legal sites that had access to it before the start of hostilities in Ukraine.

Kommersant quotes a letter from the Media Communications Union, which brings together such leading players in the industry as Channel One, Rostelecom, MTS, Tricolor, VGRTK and Gazprom-Media.

It says that the plan violates the interests of specialised market participants and may lead to "the termination of their activities" and it "also creates the risk of using this mechanism to legalise and popularise pirated resources, which will negatively affect domestic producers and owners of exclusive rights to content". ~ *Source: BroadbandTVNews*

Thailand

Rayong Provincial Police in Thailand arrested a 32-year-old Cambodian woman believed to be involved in the online sale of fake cosmetic products. The arrest took place following a tip-off about illegal live-streaming sales of the products. ~ *Source: Thaiger.com*

Greece

Members of Greece's interdepartmental market control unit, DIMEA, have found and seized thousands of counterfeit goods from a clothing and footwear factory in Peristeri, western Athens.

A search on the factory turned up around 10,316 contraband items of clothing and footwear, of which 8,599 had brand imprints. Officers also found and seized four stamping machines and imposed a fine of €100,000. The items seized were later destroyed. ~ *Source: Ekathimerini*

Philippines

Around 2.2 million pairs of counterfeit shoes were seized in recent Bureau of Customs (BOC) joint operations with a private sneakers and apparel company. The estimated worth of the seized shoes was at P1.562 billion, ~ *Source: Inquirer.net*

Egypt

The Egyptian House of Representatives has approved a draft law to establish the Egyptian Agency for Intellectual Property Rights.

The Agency will be responsible for supervising all forms of intellectual property in Egypt in line with international conventions and standards. It aims to advance technological innovation, human creativity, scientific research and cultural development.

The new legislation would unify all authorities and institutions currently responsible for regulating intellectual property rights in Egypt. The Agency will promote a knowledge economy in the country by capitalising on scientific discoveries and applied research. ~ *Source: Cairo Scene*

United Kingdom

A gang found with millions of counterfeit cigarettes at a farm in Northwest England has been handed prison sentences totalling 26 years.

The six men were caught with more than 6.5 million cigarettes, worth more than £1.8 million in evaded duty. Officers from HM Revenue and Customs arrested two of the gang as they unloaded three large shipping containers at the farm in June 2019.

All six men were convicted of conspiracy to evade excise duty following a four-week trial at Nottingham Crown Court. The seized Richmond cigarettes were tested and found to be counterfeit. ~ *Source: Convenience Store*

Kenya

Kenya's Anti-Counterfeiting Authority has promised to address the multiple and growing challenges posed by counterfeiting and illicit trade in the country.

It is estimated that one in every five products sold in Kenya is counterfeited and almost four million Kenyans are using counterfeit goods that include sugar, cigarettes, alcohol, bottled water, pharmaceutical products and cooking oil, posing a serious threat to health and security and depriving the country's economy of vital revenue.

Anti-Counterfeit Authority deputy director of education and public awareness Agnes Karingo said that 80 percent of fake goods in Kenya are from overseas. ~ *Source: Kenya Broadcasting Corporation*

China

Hong Kong Customs detected a case of selling suspected counterfeit goods through live webcasts on social media platform.

Preliminary figures show that about 1,000 items of suspected goods, including leather items, clothes and accessories, with an estimated market value of about \$1 million. Each live webcast session would last for about four to six hours and was mostly conducted during late-night periods in order to evade detection.

The transactions were made in an interactive mode with customers. Upon receiving orders and payments from the customers, the seller would deliver the goods to them via couriers.

Belarus

The National Center for Intellectual Property of Belarus (NCIP) and Russia's Federal Service for Intellectual Property Rospatent will facilitate the development of information exchange.

NCIP Director General Vladimir Ryabovolov and head of Rospatent Yuri Zubov signed an interdepartmental memorandum of cooperation on the use of departmental information systems at the 10th Forum of Russian and Belarusian Regions, held in the Russian city of Ufa.

~ Source: *Belta*

South Korea

The Korean Intellectual Property Office (KIPO) has signed a memorandum of understanding with the Intellectual Property Office of Vietnam (IP Vietnam) in the Vietnamese capital of Hanoi on protecting intellectual property rights, sharing experiences and knowledge, and boosting inspection capacity.

KIPO and IP Vietnam also signed a document extending the Patent Prosecution Highway, which took effect in 2019, for two years from this year and agreed to resume a meeting of trademark experts suspended due to Covid-19. ~ Source: *The Korea Economic Daily*

Nigeria

Casio Calculator and its distributing partner, SKLD Integrated Services Limited, have called on the Nigerian government, agencies, and stakeholders in the education sector to join efforts in stamping out counterfeit products within the Nigerian market. ~ Source: *Leadership*

Saudi Arabia

The Saudi Authority for Intellectual Property (SAIP) has issued its annual report for preserving intellectual property rights for 2022, showing that it received over 1,700 complaints.

SAIP said it had activated its mystery shopper process, which feeds the inspection team with information that helps them work efficiently, control violations, and target regions and sectors.

The Authority confirmed that 12 million products violating intellectual property rights have been seized in total, 58,000 content violators removed, nearly 1,500 websites blocked, and 13,000 establishments visited during complaints enforcement and electronic field surveys.

Vietnam

A shop in the central highlands area of Vietnam has been fined \$2,100 for selling counterfeit Chanel and Lancome perfumes and sunscreen through Facebook livestream.

The shop in Pleiku, Gia Lai Province, was raided during a livestream session, the local police said.

They had been monitoring the shop for some time, and during the raid found 300 bottles of perfumes labelled Chanel and 118 purporting to be Lancome besides 204 sunscreen tubes with the latter's label. ~ Source: *VN Express*

Ghana

The protection of intellectual property does not solely rest on the shoulders of the government, it requires a collective effort involving all stakeholders, Ghana's Chief State Attorney, Dr Sylvia Adusu, has said at a workshop on collective rights management for text and Image-based works in Accra.

However, she explained that the government was ensuring that the copyright laws were aligned with international standards and also to address the unique needs of the creative industry.

Organised by World Intellectual Property Organisation, CopyGhana and International Federation of Reprographic Rights Organisations, the workshop brought together academics, industry players, intellectual property experts and policymakers.

~ Source: *Graphic Online*

Initiatives

New US bills seek to reform patent laws

A bipartisan group of United States senators has introduced two new bills to clarify standards for patent eligibility and modify procedures for challenging patents at the U.S. Patent and Trademark Office (USPTO), both controversial issues in American patent law.

Republican Senator Thom Tillis from North Carolina and Democratic Senator Chris Coons of Delaware said in a joint statement that their bill outlining what types of inventions can and cannot be patented would "restore patent eligibility to important inventions across many fields" including artificial intelligence and

medical diagnostics.

The legislation is a reintroduction of a bill that Tillis introduced last year. It comes after the U.S. Supreme Court has declined to hear several cases delving into the question of what can be patented despite requests from the Biden and Trump administrations and judges on the patent-focused U.S. Court of Appeals for the Federal Circuit to provide more clarity.

The high court last addressed the issue in a 2014 ruling that helped establish a test that critics say has led to unpredictable decisions and

the cancellation of valid patents in many fields.

Pharmaceutical companies told the USPTO in 2021 that the state of patent law has discouraged investment in important technologies, while tech companies said the current system safeguards against bad patents.

Tillis and Coons' bill would exclude specific categories from being patentable including mathematical formulas, mental processes, and unmodified natural materials while eliminating "all judicial exceptions to patent eligibility." ~ *Source: Reuters*

GoDaddy Registry has launched the Brand Safety Alliance (BSA), a new initiative that aims to increase collaboration between registries and create enhanced solutions for brand owners to protect their online identity.

The organisation was formed to assist registries in developing solutions for brand owners to protect their trademarks against abuse through domain names.

"The digital landscape is evolving rapidly and protecting intellectual property has become a significant concern for businesses worldwide. Our mission at the BSA is to simplify and enhance digital brand protection and provide reliable, innovative solutions that save businesses

significant resources," explained Ben Anderson from GoDaddy Registry and co-founder of the BSA.

As part of this effort, later this year, the BSA plans to launch GlobalBlock, its first new product specifically designed to combat IP abuse.

GoDaddy Registry's Tony Kirsch stated, "The key message for brand owners is that we are listening and actively working to build innovative services for their businesses. Through the collaboration from this global community of registries in the BSA, we hope to reshape the future of IP management for many years to come." ~ *Source: World Trademark Review*

Nokia and Apple renew patent agreement

Nokia has signed a new long-term patent license agreement with Apple, as the current license between the companies expires at the end of 2023.

While terms of the agreement remain confidential between the companies, it covers Nokia's inventions in 5G and other technologies.

Nokia said the company expects to recognise revenue related to the agreement starting January 2024, and it is consistent with the company's long-term outlook disclosed in the first quarter.



Nokia's patent portfolio is built on more than €140 billion (\$152.70 billion) invested in research and development and is composed of around 20,000 patents, including over 5,500 declared essential to 5G, the Finnish company said.

"The agreement reflects the strength of Nokia's patent portfolio, decades-long investments in R&D, and contributions to cellular standards and other technologies," said Jenni Lukander, president of Nokia Technologies. ~ *Source: Reuters*

Spotify accused of exploiting black culture

A lawsuit has been issued against Spotify for using branding without permission last year at one of the United States' largest Black cultural festivals, reports *The Guardian*.

Attorneys for the Essence Festival of Culture say their lawsuit represents a stand against the "intentional exploitation of Black culture" and intellectual property against a corporation that can more than afford to pay for permission to use Essence's branding.

The Essence festival is held annually in New Orleans and has emerged as a highly lucrative gathering for both the city and the surrounding region of south-east Louisiana.

Organisers estimated that its economic impact on the area was \$327 million while employing 3,600 for the duration of the event in 2022.

The festival's organisers claim that Spotify used Essence's brand and trademarks in 2022 without permission to promote an event which Spotify hosted "as if they were part of" the festival.

The festival's legal team is seeking compensation, saying the event in question was held within a zone where only entities with permission could advertise or sell merchandise associated with Essence fest.

The lawsuit added that the cited breach came after Spotify in 2019 struck an agreement with Essence that authorised the streaming outfit's use of the festival's marks for the promotion and hosting of an event that year promoted as the "House of Are and Be".

The agreement was negotiated as both Spotify and Essence contemplated a larger, longer-term

partnership, the lawsuit said.

Negotiations fell through in 2020 because of the Covid-19 pandemic, which forced the cancellation of Essence fest that year.

Spotify had not renewed its 2019 permissions when it promoted the 2022 event, billing it as a "return", said the lawsuit.

Essence's lawsuit said it is seeking to recoup damages from "brand dilution, brand confusion, damage to business reputation and loss of business opportunity".

In addition to Spotify, the named defendants are the venue where the event was hosted and its owner, a local real estate developer.

~ Source: *The Guardian*

Apple challenges Swiss fruit logo

Fruit Union Suisse, an 111-year-old organisation that promotes the interests of fruit farmers in the country, may be forced to change its logo if US tech giant Apple succeeds in its legal bid.

The association's logo features a red apple with a white cross on it, having been slightly revised in 2011 in order to celebrate the organisation's centenary.

"We have a hard time understanding this, because it's not like they're trying to protect their bitten apple." Fruit Union Suisse director Jimmy Mariethoz told *Wired*.

"Their objective here is really to own the rights to an actual apple, which, for us, is something that is really almost universal... that should be free for everyone to use."

It is one of several attempts by Apple to gain intellectual property rights over the eponymous fruit, according to the World Intellectual Property Organisation. Countries that have acquiesced to Apple's demands include

Armenia, Israel, Japan and Türkiye.

Separate records from the Tech Transparency Project show that Apple filed more trademark applications than Amazon, Facebook, Google and Microsoft combined between 2019 and 2021.

Apple first applied to the Swiss Institute of Intellectual Property for the trademark of a depiction of a Granny Smith apple in 2017, covering electronic, digital and audiovisual consumer goods.

The request was only partially granted, leading Apple to submit an appeal earlier this year.

"We're concerned that any visual representation of an apple – so anything that's audiovisual or linked to new technologies or to media – could be potentially impacted," said Mariethoz. "Theoretically, we could be entering slippery territory every time we advertise with an apple." ~ Source: *Independent UK*

Danish drug firm sues spa chain

Wegovy maker Novo Nordisk has said it had sued some medical spas and wellness clinics in the United States for selling products claiming to contain semaglutide, the key ingredient in its popular weight-loss and diabetes drugs.

The U.S. Food and Drug Administration warned in May about the safety risks of unauthorised versions of Novo Nordisk's popular weight-loss drugs, which include Ozempic, Wegovy and Rybelsus, in response to reports of adverse health reactions to the "compounded" or custom-made variations.

Barclays estimates the global market of weight-loss therapies could be worth as much as \$100 billion in the next 10 years, with most of the benefit accrued to early leaders, Novo and Eli Lilly.

The Danish drugmaker said it had filed federal court lawsuits in states including New York, Florida, Tennessee and Texas, accusing the spas of selling unapproved variations of its drugs.

"Novo Nordisk has commenced the filing of legal actions in the US against certain medical spas, weight loss or wellness clinics, and compounding pharmacies to cease and desist from false advertising, trademark infringement and/or unlawful sales of non-FDA approved compounded products claiming to contain semaglutide," it said in a statement.

Novo Nordisk asked the courts for orders blocking the sales of the unauthorised drugs and an unspecified amount of money damages. ~ *Source: Reuters*

Amazon, Therabody take action

Amazon's Counterfeit Crimes Unit and wellness technology company Therabody have filed a joint lawsuit against a group that allegedly attempted to sell counterfeit Therabody massage devices in the Amazon store through six selling accounts.

The action was lodged in the US District Court for the Western District of Washington and alleges that between June and November 2022 the defendants "advertised, marketed, offered, distributed, and sold counterfeit Therabody products in the Amazon Store, using the Therabody Trademarks, without authorisation, in order to deceive customers about the authenticity and origin of the products and the products' affiliation with Therabody".

Therabody CEO Monty Sharma stated, "As the category creator, we produce products that are changing the way people approach health and wellness. These proprietary products are developed through extensive research and medical input, and are backed by science and FDA registered.

He added, "When counterfeit products intentionally trade on Therabody's name and reputation, they hurt our brand as well as consumers who think they are getting the benefits of a Theragun, but end up with inferior products with very poor standards and efficacy. We are proud to partner with Amazon to stop the sale of any of these fake goods, which rely on both of our brand names to deceive shoppers."

Skechers launches lawsuit against fashion company

Footwear company Skechers has filed a lawsuit against fashion accessory company Steve Madden, claiming that Madden's "Kennie" sneaker incorporates a design mark resembling Skechers' own mark in a "confusingly similar" manner.

The lawsuit, filed in a California District court, alleges that Madden's mark shares similar proportions, thickness, and placement with

Skechers' marks. Skechers, which owns over 40 federally registered trademarks related to the "S" mark, argues that consumers may mistake the two brands due to their overlapping customer base, according to Footwear News.

Steve Madden's general counsel dismissed the lawsuit, asserting that the Kenzie shoe design was not influenced by Skechers and bears

little resemblance to Skechers' "S" logo.

This is not the first time Skechers has taken legal action against brands over design similarities. Earlier this year, it settled trademark infringement disputes with Brooks and Hermès, and in 2021, it reached a resolution with Easy Spirit over alleged copies of two Skechers shoe styles. ~ *Source: Fashion United UK*

The Hologram Image Register

The Hologram Image Register (HIR) is a secure registry of holographic images, established by the International Hologram Manufacturers Association (IHMA) to safeguard hologram copyright and underpin the use of holograms in authentication and security printing.

The HIR is the only system of its kind for the authentication community. The centrally held global database of secure holograms is operated on behalf of the IHMA by the Counterfeiting Intelligence Bureau (CIB) under the strictest confidence and security that supports ISO14298 (the security standard for the management of security print and security foil production). As part of this standard, hologram producers must register all security holograms they produce in a global registry (ie. the HIR).

The HIR enables hologram manufacturers and producers to verify, at the time a new hologram is being designed or originated, that this design, or elements of it, do not infringe copyright or allow the unintentional copy of existing security holograms. This helps to ensure that the hologram image is not already in use and is the first step for the subsequent registration of the image. The image registration is completed once the design has received clearance.

In addition to IHMA members, the HIR is available to law enforcement agencies to check for the provenance of a design when they need information on a suspect hologram.

The IHMA also allows approved non-members to register holograms on the HIR, subject to a fee (HIR registration for IHMA member is included within their membership fee). The fee for non-members is £500.

First established in 1993, the HIR includes more than 10,000 registrations (as of the start of 2022), a number that is growing by the day. In early 2022, it underwent a major upgrade, designed to improve user efficiency and effectiveness by enabling faster online registration and copyright checking of hologram designs.

The HIR has, since its inception, helped to prevent numerous attempts to source copy holograms, and has also helped to confirm that a suspect hologram was, indeed, a fake, which in turn has led to arrests and prosecution of the counterfeiters. Moreover, registration of a hologram design with the HIR is increasingly a pre-condition of tenders and procurement, particularly by government bodies such as central banks, revenue authorities and issuers of passports and ID documents.

HOLOGRAM
IMAGE
REGISTER



The HIR is operated for the IHMA by the Counterfeiting Intelligence Bureau, a division of the International Chamber of Commerce, a not-for-profit non-governmental organisation accredited by the United Nations. The Register is operated in absolute confidence by the CIB. Neither IHMA members nor staff have access to the Register, thereby ensuring that commercial information is not compromised.

Website: www.icc-ccs.org

Email: ccs@icc-ccs.org

For general enquiries and further information on the HIR and, for non-IHMA members, details of the approval and fees process, please contact: info@ihma.org

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