

Organization filling in the questionnaire: INTA.....

Questionnaire

Concerning a potential common list of senders and examples of misleading invoices

In order to provide easier access for Users to the examples of misleading invoices, a search tool has recently been implemented on the EUIPO website.

Experience with this new tool allows the Anti-Scam Network (the “Network”) to discuss possible further steps with regard to compilation of comprehensive Union wide lists of entities sending misleading invoices to Users, which is an action item of the 2017/18 Programme of the Network.

With a view to preparing the discussion within the Network, EUIPO would like to ask your Organisation to kindly complete the questionnaire below. (“Organization” in the context of this Questionnaire refers to national, regional and international IP Offices and User Associations which have subscribed to the Joint Statement on a Charter of Expert Cooperation in the Area of Anti-Scam or participate in it as an observer.)

1. Would your Organization be ready to provide examples of misleading invoices it has received from Users for inclusion in a common list/database?

Yes No

2. Would your Organization consider that EUIPO may host such a common list/database?

Yes No

3. If yes, would you consider for inclusion misleading invoices concerning:

trade marks

designs

patents

4. How do you assess the volume of the current examples which you could provide to EUIPO?

1-20

21-50

NB: INTA is willing to provide as many examples as possible, as it has already done in the past (21-50 examples were already shared), but the number of examples INTA can provide may vary in time depending on the input provided by our members. INTA can thus not commit to a specific number.

51-100

101 or more

5. In which file format are they currently available?

pdf

jpeg

other, please specify:

6. Which method of transmission would you prefer for making the initial dataset available?

USB stick

Email attachment (for small datasets)

NB: for larger datasets using compressed folders distributed by different emails.

Other, please specify:

7. Before providing the initial dataset and any further update to EUIPO, do you agree that the sending Organisation should check whether the samples for publication are duly anonymised? (Please note that without anonymisation, prior consent from the affected user would be required before the transfer of the sample.)

Yes No

NB: As the EUIPO will receive a large number of invoices, most probably in different formats and using different transmission methods, thus having to handle the invoices anyway, INTA would suggest that the Office sets up a standardised and streamlined method of anonymization of all invoices. We would be grateful to receive feedback from the Office in this respect.

8. Before providing the initial dataset and any further update to EUIPO, do you agree that the sending Organisation should carry out a check in order to identify whether an invoice reported by a user constitutes a new example or not compared with those stored in the common list/database?

Yes No

9. Which of the following indicators do you think is relevant for an example to be considered new?

change of the logo and/or graphical representation of the name of the company sending the invoice

change of the bank account to which the payment is requested

change of the alleged seat of the company

new language version

any other indicator such as: The following changes may be relevant: change relating to the details of the company sending the invoice; change (even if minor) of the name of the company, change of the Trade Register number, change of VAT number, change of website of reference, change of contact details.

NB: INTA considers that this question is not entirely clear and that different answers may be provided depending on the adopted perspective:

- (1) From a perspective of compilation of information in the database, it is important that a maximum number of indicators are considered for an example to be deemed new, so that all invoices are covered and no potential scammers are overlooked;
- (2) From a legal perspective, it is fundamental to make sure that the fact that an example is considered new **does not** entail that a scammer can escape legal action because it is operating under different logos/names with a different graphical representation. It is thus important that legal action can be brought against a scammer even when it has carried out misleading solicitations under different logos or designations.

10. Based on your experience, what would be the expected average number of new examples your Organization may provide per year?

20

NB: INTA would like to draw the Office's attention to the possibility of the EUIPO receiving the same example several times by different user associations, as it is common for misled users to send one invoice to various entities.

11. How often would your Organization be ready to provide new misleading invoice examples in a structured format?

once a week

once a month

every three months

NB: INTA is also willing to share immediately the examples as they are received from members.

Should such a common list/database of misleading invoices be set up, would your Organisation consider:

providing a hyperlink on its own website to the webpage hosted by EUIPO which includes the common list/database

raising awareness of the common list/database on its website

raising awareness in the social media

carrying out other communication activity (please specify): [drafting one article referring to the common list/database and possibly others whenever there are relevant/new topics related with the Anti-Scam Network in INTA's Newsletter the Bulletin.](#)

12. Would your Organization consider agreeing with EUIPO to share the collected examples of misleading invoices with TM5 Members (USPTO, JPO, KIPO, SIPO) to ensure greater outreach to potential victims?

Yes No

13. Would your Organization agree that the potential setting up of a common list/database should entail, in addition to sending examples of misleading invoices for publication, a complementary action:

Reporting the number of User reports, broken down by scammers, for information to the Network Secretariat to facilitate monitoring of the volume of reported cases throughout the EU.

Yes No

14. Is there any other suggestion/comment which your Organization would like to share with us?

INTA would like to suggest that the organizations subscribing to the Joint Statement share information about legal actions on misleading practices initiated in their respective jurisdictions as well as on the final decisions rendered.

In addition, INTA would like to congratulate the EUIPO for the very important work carried out in the field of fraudulent solicitations and express its appreciation for the involvement of users in the activities of the Anti-Scam Network. In July 2017 INTA published an article, prepared by a Member of its EUIPO Subcommittee (Trademark Office Practices Committee), about misleading invoices and the initiatives put in place by the EUIPO and the USPTO to address this problem in the Association's newsletter, the Bulletin, which is sent to 30,000 individuals across the globe.

Thank you for filling in this questionnaire and sending it back to

antiscamnetwork@euipo.europa.eu by 31 January 2018.