Re: Joint Associations’ Preliminary Input on the European Observatory’s 2021 Work Programme

Dear Director Maier,

On behalf of ABAC-BAAN, ANDEMA, BASCAP, ECTA, INTA and MARQUES, we appreciate the opportunity to provide preliminary comments on the 2021 Work Programme of the European Observatory on Infringements of Intellectual Property Rights (the ‘Observatory’).

Prior to commenting on the specifics of the Draft 2021 Work Programme through the upcoming public consultation, we would like to stress the following 3 priorities, which we hope you could consider.

1. **IP Crime as a priority in EUROPOL’s SOCTA/EMPACT.** In line with the recent letter of the EUIPO and Observatory on the issue, we support the inclusion of IP crime **IP crime among the priority crime threats of Europol’s Serious and Organised Crime Threat Assessment (SOCTA) for the period 2022-2025** through the ongoing policy cycle leading to the setting of the priorities of the European multidisciplinary platform against criminal threats (EMPACT) by EU Member States in 2021. We welcome the Observatory’s overall approach, especially towards national authorities, and hope that the Observatory will continue playing a role in promoting, maintaining and coordinating efforts for that purpose. This should be one of the utmost priorities of the Observatory for 2021.

2. **Promote the creation of national IPR Enforcement Centers in EU Member States.** Coordination is always quoted as the first response to fighting IPR enforcement, but more needs to be done in the EU. In line with its role to promote enforcement of IPRs within the EU, the Observatory should rely on its strong network among Member States to promote and support the creation of IPR Enforcement Centres at national level. Such centres would aim to establish a national central coordination unit to fight against counterfeits, piracy and other IPR crimes. It would involve governmental offices, enforcement authorities, industries and the targeted public with three primary functions: seizing goods, investigating crimes and prosecuting alleged criminals. It would also facilitate coordination with national officials, the IP Crime Coordinated Coalition (IPC3), and other jurisdictions globally. This would have the
benefit of having all entities working on IPRs enforcement under one roof, thereby increasing cooperation and efficiency, while triggering savings in terms of financial and human resources. This has already been implemented in several countries with success. We believe the Observatory should play a central role in not only promoting and supporting the creation of these centres, but also helping identifying and sharing best practices in that respect and helping assessing these centres’ impact.

3. **Study on IP and environment.** As stressed during the Observatory 2019 Plenary session, the fight against climate change is a key political priority in Europe, but little evidence has been provided on the role IP can play, especially when it comes to IPRs other than patents and transfer of technology. We would support the creation of a stand-alone specific study by the Observatory, on:
   1) How IP contribute or can contribute to fight climate change (e.g. through the sustainable destruction of counterfeits, databases matchmaking investors and innovators of climate-friendly technologies such as WIPO GREEN, or in-built environmental concerns in businesses’ corporate social strategies, etc.) ;
   2) How IP is affected by climate change (e.g. EU geographical indication producers are bound to produce within a limited geographical area, which characteristics may no longer be optimal due to climate change).

   This study should focus on both aforementioned sides and include all IPRs, in particular trademarks. This study will help raise the profile of IP among EU decision-makers, and promote its usefulness and related-concerns when it comes to the fight against climate change.

The above-mentioned priorities represent a first, preliminary input on the upcoming Draft 2021 Work Programme and will be accompanied by additional specific input and recommendations by the respective co-signatories of this letters through the upcoming public consultation.

As always, we stand ready to continue its excellent cooperation with the Observatory and to provide support as requested.

Yours sincerely,

**ABAC-BAAN** – Belgian Association Anticounterfeiting  
**ANDEMA** – Asociación por la Defensa de las Marcas  
**BASCAP** - Business Action to Stop Counterfeiting and Piracy  
**ECTA** - European Communities Trade Mark Association  
**INTA** - International Trademark Association  
**MARQUES** - European Association representing brand owners’ interests