

OBSERVATORY PLENARY MEETING

27 - 28 September 2023

EUROPEAN OBSERVATORY ON INFRINGEMENTS
OF INTELLECTUAL PROPERTY RIGHTS

Wednesday, 27 September 2023

08:45 – 09:00

Connection to Zoom

09:00 – 09:30 WELCOME AND OPENING REMARKS

- Christian Archambeau, Executive Director, EUIPO
- Aida Fernández, Director, Spanish Patent and Trademark Office – Presidency of the Council of the European Union
- Alexandra Poch, Acting Director, Observatory, EUIPO

09:30 – 10:00 OBSERVATORY – OVERVIEW OF THE ACTIVITIES CARRIED OUT IN 2022/2023

The Observatory will present the highlights of the work carried out in the last year. Stakeholders will be invited to take part in the presentation.

10:00 – 10:30 UPDATE FROM THE EUROPEAN COMMISSION

The European Commission will present its current and future policy initiatives and how they relate to the Observatory's work, including the latest developments on the live events piracy recommendation.

10:30 – 11:00 COFFEE BREAK

11:00 – 11:30 SMEs, IP AND FINANCING

There will be a panel discussion on the issue of financing for start-ups in Europe. This will follow a brief overview of the work done by the Observatory on this topic to date, including the work on the joint study carried out with the European Patent Office on the role of IP rights in start-up financing that will be published in October.

11:30 – 12:00 IP AND CREATIVES

The panel will explore how the development of IP skills could lead to more creative entrepreneurship and better IP awareness among young creators in Europe.

Against the background of Observatory activities related to the [IP in Education](#) and teacher training programme, speakers will reflect on how best to develop materials, for example, massive open online courses, and awareness raising.

12:00 – 12:30 DIGITAL SERVICES ACT: RECENT DEVELOPMENTS

The Digital Services Act (DSA) creates a solid regulatory framework for digital services in the EU and will have a major impact on the protection of intellectual property rights in the digital world. The DSA has new rules for notice and action procedures, trusted flaggers, KYBC obligations, repeat infringers, redress mechanisms and increased transparency (e.g. on the use of algorithms). Following the publication of the DSA on 27 October 2022, the new framework is gradually becoming applicable and implementing rules and practices are being established. The European Commission will give an update on recent DSA developments that are of particular interest to the intellectual property field.

12:30 – 13:00 SUBJECTS PROPOSED BY STAKEHOLDERS

This part of the agenda will be dedicated to presentations from our stakeholders. Representatives from UNIFAB, WIPO, ANDEMA and INDICAM will give us an update on their latest activities.

13:00 – 13:06 CLOSING REMARKS

- Alexandra Poch, Acting Director, Observatory, EUIPO

Thursday, 28 September 2023

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09:00 – 09:15 **KEYNOTE SPEECH**

- Axel Voss, Member of the European Parliament

09:15 – 10:15 **2024 WORK PROGRAMME**

The EUIPO will present the main elements of the draft 2024 Observatory Work Programme. The floor will then be opened for all participants to give their input and suggestions following the written request for feedback in July.

10:15 – 10:45 **AI AND IP – CASE-LAW AND LATEST DEVELOPMENTS**

The interplay between AI and IP rights, particularly copyright, is complex and has triggered a number of policy and regulatory developments in Europe and beyond. Case-law is also emerging. A legal expert will take stock of the latest developments in this field, starting with an assessment of recent lawsuits against AI companies, before providing an overview of the main legal questions and challenges arising from (generative) AI systems. The presentation will be followed by an exchange with the Observatory stakeholders.

10:45 – 11:15 **COFFEE BREAK**

11:15 – 12:15 **IP CRIME AND ITS LINKS TO OTHER CRIMES**

As shown in the joint [Europol-EUIPO Threat Assessment Report](#) published in 2022, IP crime is not a victimless crime. In fact, IP crime is linked to other types of crime and often affects health and safety. A panel discussion will show the links between IP crime and financial crime, crimes in the agrifood and transportation sectors and their impact on health and safety. Possible best practices will be discussed.

12:15 – 12:45 OVERVIEW OF THE WORK OF THE OECD'S WORKING PARTY ON COUNTERING ILLICIT TRADE (WP-CIT)

The EUIPO has been working together with the OECD for several years, publishing 12 joint studies since 2016, and supporting the work of the Task Force on Countering Illicit Trade. The Task Force has recently been upgraded to a Working Party and moved to the OECD's Trade Department. An update on these changes will be provided, as well as an update on the Working Party's two current work streams.

- The Role of e-Commerce Platforms in Illicit Trade in Fakes – experts meeting.
- The follow-up on the FTZ certification work.

Information about upcoming joint studies will also be provided.

12:45 – 13:15 'APPS' AND IP-INFRINGING ACTIVITIES

In recent years, the EUIPO has been working closely with the Expert Group on Cooperation with Intermediaries to produce several discussion papers on the misuse of intermediary services for IP-infringing activities. Currently, the workstream on the misuse of apps and app stores is ongoing. The EUIPO and external speakers will give an update on the apps/app stores discussion paper together with a presentation on the new business model study on the same subject.

13:15 – 13:20 CLOSING REMARKS

- Alexandra Poch, Acting Director, Observatory, EUIPO

