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EUBIP Position Paper

European Brands Protection
Business Council (EBPBC)
of the European Chamber of Commerce
in Hong Kong

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Introduction

Since its inception in 2012, The European Chamber of Commerce European Brands Protection Business Council (EBPBC) has, by nature, primarily focused its action on the enforcement of trademark rights albeit keeping overall competence for the whole spectrum of Intellectual Property Rights (IPR). This is reflected in this Position Paper, which follows on the former Intellectual Property Position Paper released by the European Chamber of Commerce in Hong Kong (ECC) in 2013.

Products that infringe intellectual property rights threaten the health and safety of consumers, reduce the amount of tax collected, disrupt funding to the activities that are essential to the social-economic balance as well as hurt the economy as a whole. Additionally, dealing with such products is illegal in Hong Kong as well as in most jurisdictions around the world. Innovation and creativity are the engines of our economy. It is the EBPBC's view that it is important to provide IP rights owners with the certainty that the results of their innovations will be protected while protecting consumers by building trust in whatever the market has to offer. The competitiveness of European businesses as well as the reputation of Hong Kong as a place of good law enforcement depends on it.

According to a 2015 study from the Office for Harmonization in the Internal Market (OHIM), the European Union Intellectual Property Office (EUIPO), the manufacture and distribution of counterfeit clothes, shoes, and accessories represent annually over 26 billion EUR of lost legitimate sales in EU, which is approximately 10% of the total sales in the sector.¹ That lost revenue translates into 363,000 lost jobs, as the legitimate manufacturers and retailers make and sell less than they would have done in the absence of counterfeiting, and therefore employ fewer workers. Further, when the knock-on effects on suppliers are taken into account, legitimate businesses across the European Union (EU) lose 43.3 billion EUR of sales revenue because of counterfeiting, with around 518,000 jobs lost. In addition, since producers and sellers of counterfeit products do not pay tax, social contributions and VAT, over 8 billion EUR of government revenue across the EU is not collected.

EU Customs Seizure Statistics – Global Outlook

Each year the European Commission issues a report, focusing on their enforcement of IPR. It is based on the data transmitted by the Member States administrations, in accordance with the relevant EU customs legislation (Regulation (EU) No 608/20132).²

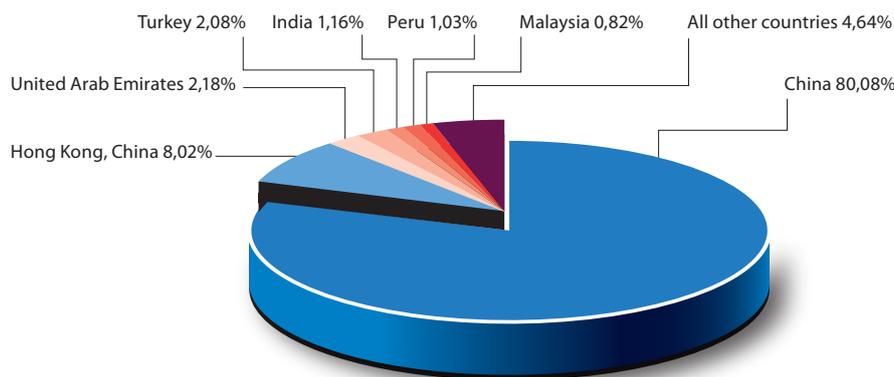
¹ Office for Harmonization in the Internal Market - 2015 Situation Report on Counterfeiting in the European Union
<https://oami.europa.eu/ohimportal/documents/11370/80606/2015+Situation+Report+on+Counterfeiting+in+the+EU>

² Regulation (EU) No 608/2013 Concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003
http://ec.europa.eu/anti_fraud/documents/eu-revenue/r608_2013_en.pdf

In 2014, EU Customs authorities made over 95,000 detentions, consisting of a total of 35.5 million articles.³ The domestic retail value of the detained articles represented 617 million EUR. Postal and courier traffic accounted for 81% of all these detentions. In over 92% of all cases, Customs action was started whilst the goods concerned were under an import procedure. In almost 5% of the cases, goods were discovered whilst being in transit with a destination in the EU and in 1% of the cases goods were under re-export procedure with a destination outside the EU. The bulk of counterfeits are still being shipped by sea. The EU, the United States (US) and the World Customs Organization (WCO) statistics all show that “sea” seizures roughly represent less than 5% of the total seizures (air, express, post) but more than 80% of the quantities seized.

EU Customs Seizure Statistics - Hong Kong Focus

China continues to be by far the main country of provenance from where goods suspected of infringing an IPR were sent to the EU.



Country of provenance by articles

In 2014, Hong Kong was the second largest place of origin of counterfeit products seized by EU Customs, both in terms of total quantities seized (8%) and value of quantities seized (16%), while China remains the first country of origin on both accounts with 80% and 66% respectively.

In terms of categories of articles originating from Hong Kong and seized by EU customs, body care articles represented nearly 20% while packaging materials, labels, tags, and stickers accounted for 30%. In terms of value, watches accounted for 46% of the total value, while luxury, fashion, and sport articles (ready to wear, accessories, shoes, and eyewear) accounted for 20%.

³ European Commission, Report on EU customs enforcement of intellectual property rights – Results at the EU border 2014 http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/counterfeit_piracy/statistics/2015_ipr_statistics.pdf

Hong Kong, China	Value	% of total
Watches	€ 38.844.117	46%
Parts and technical accessories for mobile phones	€ 7.673.553	9%
Bags, including wallets, purses, other similar goods carried in the pocket/bag	€ 6.289.517	7%
Clothing (ready to wear)	€ 4.665.689	6%
Mobile phones	€ 4.365.956	5%
Packaging materials	€ 3.139.473	4%
Sunglasses and other eye-glasses	€ 2.462.309	3%
CD, DVD, Recorded (music, film, software, game software)	€ 2.348.779	3%
Sport shoes	€ 1.924.412	2%
Colthing accessories (belt, tie, shawl, cap, gloves, etc.)	€ 1.379.151	2%
total € 84.185.531		

Overview on Hong Kong IPR Enforcement Authorities

The Hong Kong Customs and Excise Department (C&ED) is the mandated governmental department responsible for taking criminal sanctions against copyright and trademark infringements in Hong Kong.⁴ The C&ED's mission is to protect the interests of IPR owners and legitimate traders through enforcement of the Copyright Ordinance (Chapter 528, Laws of Hong Kong), the Trade Descriptions Ordinance (Chapter 362) and the Prevention of Copyright Piracy Ordinance (Chapter 544 under the Laws of Hong Kong). The department adopts a two-pronged enforcement strategy against the supply and retail of pirated and counterfeit goods. On the supply side, the C&ED focuses its enforcement efforts against illegal activities at the import and export, manufacturing, wholesale and distribution levels. At the retail level, the C&ED takes repeated and sustained enforcement actions to eradicate street level piracy and counterfeiting activities.

The Hong Kong Police force are also competent for IPR enforcement matters and may exercise their power of arrest and seizure should they encounter suspected copies of infringing goods in the performance of their duties.⁵

The Department of Justice (DOJ) is responsible for prosecuting all criminal cases, except those via private prosecution, so this includes all criminal cases involving IP enforcement.⁶

Hong Kong courts are equipped to handle both criminal and civil matters. Different level courts will handle cases depending on the type of relief sought and the amount of damages claimed for a civil action, and the fines and penalties that may be imposed in relation to a criminal offence.

⁴ [Hong Kong Customs and Excise Department](http://www.customs.gov.hk/)
<http://www.customs.gov.hk/>

⁵ [Hong Kong Police Force](http://www.police.gov.hk/ppp_en/)
http://www.police.gov.hk/ppp_en/

⁶ [Department of Justice](http://www.doj.gov.hk/eng/index.html)
<http://www.doj.gov.hk/eng/index.html>

The Intellectual Property Rights Protection Alliance (IPRPA), created in 2004 by the C&ED and 94 members strong, provides a broad-based platform that enables the exchange of information and knowledge, and fosters closer cooperation between the C&ED and the IPR industry.⁷ Noting that assistance and support from the industry stakeholders are pivotal in the IPR protection regime, the C&ED maintains an effective strategic partnership with the IPR industry in the publicity and public education for IPR protection.

Key Recommendations

- **Internet Best Practice:** Promoting the successful EU Charter of Confidence signed in 2011 between brand owners and major e-commerce platforms, following a 2008 initiative from the French government, to ultimately enhance the remarkable e-auctioning with integrity program implemented by the IPRPA.
- **EU-Hong Kong Cooperation:** Fostering strategic IPR Cooperation between the EU and Hong Kong authorities at an operational level by appointing IP Attaches (i.e. EU IP attaché based in Hong Kong and Hong Kong IP attaché based in Brussels).
- **Legal Environment:** Promoting and encouraging a streamlined and user friendly legal environment enabling all brand owners, including SMEs, to effectively enforce their IPR at a reasonable cost. This notably concerns evidential requirements in relation to secret showrooms, enforcement of imitations, effective enforcement at the trade fairs, etc.
- **Public Awareness:** Designing a novel and ambitious public awareness strategy frankly addressing counterfeiting impact (i.e. funding of terrorist and criminal organizations, catastrophic consequences on sustainability and social responsibility) and focusing more on mainstream communication channels (i.e. social media).

1

IPR Protection – On The Internet

In Hong Kong there are 5.8 million Internet users, which means an overall Internet penetration rate of 73%, which is one of the highest in Asia.⁸ 91% to 99% of the 10 to 44 years old categories are Internet users. Nearly 74% of the total users are mobile phone users and 96% of these mobile users access the Internet daily. 64% of the total users have active social media accounts. Over 66% of the total users reported to shop online while over 40% are shopping online from their mobile phones.

⁷ **The Intellectual Property Rights Protection Alliance**
<https://www.iprpa.org/eng/front.php>

⁸ **Census and Statistics Department - Usage of Personal Computers and Internet Service by Hong Kong Residents, 2000 to 2014**
<http://www.censtatd.gov.hk/hkstat/sub/sp120.jsp?productCode=FA100109>

To give a broader perspective, the China Internet Network Information Centre estimates that there were over 668 million Internet users in China by June 2015, from about 450 million back in 2010, bringing the current penetration rate to about 50%.⁹ Furthermore, 80% of these users are mobile users, 91% of which have at least one social media account. In 2015, China's e-commerce increased 42% compared to 2014 and was estimated to be worth 615 billion EUR. This number is expected to double by 2018.¹⁰

This accounts to millions of posts each day on social media, blogs, commercial platforms and standalone websites. Over the years, a growing part of this online activity related to advertising, marketing, and selling counterfeit goods infringing the intellectual property rights of European brands. Infringers have decided to move their operations from traditional brick and mortar shops to online shops for a number of reasons, including:

- Mitigating their legal risks by making it harder for brand owners and enforcement authorities to identify them.
- Reducing their costs by operating from home with mostly make to order operations.
- Simply following the shopping trends, which have steadily grown toward e-commerce.

Another remarkable indicator is the unparalleled success of the November 11 and December 12 giant retail sales in China. They largely illustrate the scale of the phenomenon with over 678 million of parcels shipped during the November 11, 2015 sale only, a 66% increase from 2014, according to Chinese data company Syntun.¹¹ This phenomenon triggered a spectacular increase in the volume of private postal courier and represents a huge challenge for enforcement authorities, brand owners and reputable private courier companies to monitor and detect parcels load of counterfeit product.

Officials of China stated in November 2015 that roughly 40% of all the goods sold online on Chinese websites were counterfeit goods.¹² The fight against the sale of counterfeit goods online has undoubtedly reached an unprecedented scale and needs to be made a key priority.

Hong Kong has no or marginal manufacturing capabilities for counterfeit goods. It is essentially a consumption market with the vast majority of counterfeit goods coming from China. However, the fast paced development of both e-commerce and postal courier in both Hong Kong and China has made counterfeit products largely and easily available to Hong Kong

⁹ [China Internet Network Information Centre - Statistical Report on Internet Development in China \(January 2015\)](http://www1.cnnic.cn/IDR/ReportDownloads/201507/P020150720486421654597.pdf)
<http://www1.cnnic.cn/IDR/ReportDownloads/201507/P020150720486421654597.pdf>

¹⁰ [China Internet Watch - China E-commerce Market to Reach US\\$3.8 Trillion in 2018](http://www.chinainternetwatch.com/15137/e-commerce-market-review-2014/#ixzz3yKFg4wXf)
<http://www.chinainternetwatch.com/15137/e-commerce-market-review-2014/#ixzz3yKFg4wXf>

¹¹ [Syntun](http://www.syntun.com/)
<http://www.syntun.com/>

¹² [Reuters - Over 40 percent of China's online sales counterfeit, shoddy: Xinhua](http://www.reuters.com/article/us-china-counterfeits-idUSKCN05S02820151103)
<http://www.reuters.com/article/us-china-counterfeits-idUSKCN05S02820151103>

consumers, while representing an incredibly hard challenge on the part of enforcement authorities and brand owners to monitor and enforce. Recent trends show that online shoppers of counterfeit goods are mostly looking for trendy articles such as clothing and accessories of luxury, fashion, sport and tech brands, which are of direct concern to a large number of European brands.

Consumers' safety, Hong Kong's reputation as a prime shopping location, long term impacts on the environment as well as the business interests of legitimate brands owners are amongst some of the most critical elements at stake.

1.1. Remarkable Initiatives by C&ED

C&ED has taken the full extent of this critical issue and articulated its online enforcement strategy around the following pillars:

1. The creation of the Electronic Crime Investigation Centre (ECIC) in late 2012, which aims at dealing with online IPR infringements.¹³ The ECIC notably formulated new methodologies on cyber investigation and evidence collection. In addition, it also offers in house trainings on computer forensic and online investigation.
2. The creation of a division of about 50 staff dedicated to enforcement of online intellectual property crimes (due to an internal reorganization) in early 2014.
3. The launch of SocNet, a webcrawler, developed jointly with the University of Hong Kong and destined to track and trace the trading of counterfeit goods on the Internet in July 2015.¹⁴ This increased C&ED's monitoring capacity to about 4,000 social media accounts a day, compared to about 200 previously.
4. The regular organization of tailored awareness campaigns and communication events destined to raise awareness and share best practices amongst both the general public and the private sector (i.e. about 60 trainings and events organized in 2014-2015 covering various online IPR enforcement related topics).

1.2. The Continued Problem with Auction Sites

Taobao, Yahoo Auctions and eBay are amongst the most popular auction sites in Hong Kong. Moreover, buying counterfeit goods online in Hong Kong is not an offence.

¹³ [Electronic Crime Investigation Centre](https://www.iprpa.org/eng/front.php)
<https://www.iprpa.org/eng/front.php>

¹⁴ [Hong Kong Customs – Press Release: Customs looks ahead to enhance enforcement modes with internal and external collaboration](http://www.customs.gov.hk/en/publication_press/press/index_id_1301.html)
http://www.customs.gov.hk/en/publication_press/press/index_id_1301.html

For instance, Alibaba's online Customer to Customer (C2C) marketplace, Taobao, launched its Hong Kong official website in 2013. According to Alexa, Taobao.com is today the 6th most visited website in Hong Kong after Google, Facebook, Youtube and Yahoo.¹⁵ 1 out of 4 Internet users in Hong Kong has a Taobao account. According to Taobao's statistics, the transactions in Hong Kong have grown 50% year on year.

In 2015, Taobao was singled out by both the Chinese State Authority for Industry (SAIC), in an internal report published in January, and by the United States Trade Representative office (USTR), in their annual 301 IPR report, both referring to the continued and substantial volume of counterfeit goods available for sale on the platform. The USTR notably "urged Taobao to promptly address concerns identified in SAIC's report, consistent with the Notorious Market list" from the 301 2014 USTR Report.¹⁶

In 2005, C&ED launched a remarkable initiative under IPRPA's leadership called "E-auctioning with Integrity Scheme", in collaboration with local auction sites (such as Yahoo Auctions and Ebay) and brand owners in a bid to combat the sale of infringing items on the Internet. On receiving reports by the participating brand owners through a designated reporting channel, the auction sites will take prompt response by removing the listings of the auction items suspected to infringe the IPR of the respective brand owners.

However, even though the general volume of take downs on online auction sites initiated by brand owners has increased steadily over the years, visibility and availability remain high. The burden remains essentially on brand owners to monitor, detect and report auctions of counterfeit of their products to these platforms for them to take them down, often having to adapt and cope with cumbersome, and sometimes questionable, policies and rules imposed by the platforms. This is proving time consuming, cost expensive, and ineffective in the long run, since this merely addresses a visibility issue at a specific point in time while serious infringers are not deterred from coming back, very often on the same platform and under the same name.

Technically and financially sustainable solutions are urgently needed to address this issue, which remains critical.

1.3. The Fast Growing Role of Social Media

In addition to auction sites, social media and apps have rapidly become a prominent front in the struggle against counterfeiters.

¹⁵ Alexa research company -
<http://www.alexa.com/>

¹⁶ Office of the United States Trade Representative - 2014 Notorious Markets List
<https://ustr.gov/about-us/policy-offices/press-office/reports-and-publications/2015/2014-notorious-markets-list>

Social networks have become the preferred method for counterfeit trading, accounting for 65% of online cases handled by the C&ED during the first half of 2015.¹⁷ By contrast, during the first half of 2014, 79% of online cases were conducted through auction sites.¹⁸

Popular social media services such as Instagram, Facebook, Twitter or WeChat are used as virtual showrooms, without any means of payment, to lure potential customers in visiting standalone websites or private accounts on auction sites, where counterfeit products are ultimately sold.

1.4. The Paradox of Hong Kong as a Haven for Rogue Websites

Counterfeiters are aware that Internet has no borders, and have been smartly exploiting discrepancies between the different countries legislations, as well as a weak international cooperation.

A growing number of websites advertising and selling counterfeit goods are registered in Hong Kong, due to the favourable environment of convenient and anonymous website hosting. Instead of targeting Hong Kong customers, these websites reach out to customers in countries such as Japan, Korea or European countries in their respective local languages. It sometimes happens that the rogue website is blocked from local or regional access to prevent its detection from Hong Kong authorities, while its intended markets are far away.

Although not directly impacting Hong Kong's consumer market, online counterfeiters seriously tarnish Hong Kong's reputation for providing a safe and enjoyable business and shopping environment, by exploiting its reputation of being one of the freest economies to cover and facilitate their illegal activities.

1.5. The Lack of Deterrence of Penalties Imposed

The current lack of a deterrent penalty imposed on online infringers is encouraging more infringers to move their operations online, or for the same infringers to repeat the same offence over and over again.

In order to effectively deter online infringers and ultimately decrease the trade of counterfeit goods online, appropriate responses must be brought from both a criminal and civil enforcement standpoint by mainly focusing on repeat offenders and large scale sellers (i.e. large volume of auctions, or registrant of several rogue websites, etc.). A good start would be to do automatic investigation and to increase cross-jurisdictional cooperation.

¹⁷ Hong Kong Customs and Excise Department

¹⁸ The Government of the Hong Kong Special Administrative Region, Customs and Excise Department Departmental Review 2014
http://www.customs.gov.hk/filemanager/common/pdf/publications/Departmental_Review_2014_e.pdf

Despite encouraging signs of cooperation between China and Hong Kong authorities, a greater holistic strategy is required to make a difference on the long run and involving all key stakeholders, such as the legislator, the enforcement authorities, brand owners and online operators.

1.6. Recommendations

- **Charter of Confidence engaging all stakeholders** – Capitalising on French authorities' initiative that implemented, under their umbrella, a Charter of Confidence signed between brand owners on one hand, and e-commerce platforms (2008), classified ad sites, as well as postal courier companies (2012) on the other hand.¹⁹ This initiative was successful to a point of inspiring a similar initiative at the EU level with the signing, in 2011, of a Memorandum of Understanding, under the European Commission's umbrella, bringing together major e-commerce platforms and brand owners to agree to a corpus of preventive measures (e.g. filters) and reactive procedures (e.g. harsher penalties), to substantially reduce the availability of counterfeit goods online.²⁰ Building on the remarkable e-auctioning with integrity system, Hong Kong enforcement authorities are the best placed in Asia to lead on online anti-counterfeiting and getting all stakeholders to agree to a comprehensive pack of preventive and reactive measures, to tackle sales of counterfeits on the Internet.
- **Deterrent Penalties** – Promoting a deterrent enforcement arsenal against online infringers, especially focusing on repeat infringers, infringers operating at a commercial scale, as well as a comprehensive set of tools destined to compel blatantly uncooperative stakeholders (i.e. Internet Service Providers, auction sites, social media, postal courier companies, etc.) to actively and effectively support anti-counterfeiting efforts.
- **Cross-Jurisdictional Cooperation** – Intensifying international cooperation to effectively and timely identify and enforce online IPR infringement, which often occurs in several jurisdictions.
- **Tailored Awareness Strategy** – Focusing IPR awareness campaigns on the Internet by notably giving a greater emphasis to communication through mainstream social media and by automatically replacing each infringing auction, website and social media post taken down, by a Government notice clearly warning consumers about the legal, societal, environmental and health risks linked to buying and/or selling counterfeit products on the Internet.

¹⁹ **Comité National Anti-Contrefaçon (CNAC), Chartes Françaises de Lutte Contre la Contrefaçon sur Internet**
<http://www.cnac-contrefacon.fr/chartes-francaises-de-lutte-contre-la-contrefacon-sur-internet/>

²⁰ **European Commission – Internal Market IPR Enforcement Memorandum of Understanding**
http://ec.europa.eu/internal_market/iprenforcement/docs/memorandum_04052011_en.pdf

2

IPR Protection at the Borders

Border protection relates to goods importing into, exporting out of or transshipping through Hong Kong, which is under the remit of the C&ED, who handles Customs duties at ports, airports, and land crossings. The main advantage of Hong Kong when compared to other jurisdictions is the high level of intelligence-led enforcement taken by the C&ED in relation to IPR cases.²¹

Hong Kong is one of the biggest shipping hubs in the world. Hong Kong's harbour is the 4th busiest port in the world, carrying a total of 22,226,000 TEUs²² in a year (2014). Out of all cargo discharge in 2014, 184,185,000 tons arrived by sea, 15,131,000 tons arrived by land and 1,585,000 tons by air transportation.²³ C&ED plays a key role in enforcing IPR at Hong Kong borders.

2.1. EU – Hong Kong Customs Cooperation

Hong Kong and EU have a well-established cooperation regarding border control. On 1 June 1999, an Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters (CCMAA) was signed by the then, European Community and Hong Kong.²⁴ The CCMAA provides a legal framework to promote supply-chain security and trade facilitation. It aims to improve the fight against fraud and seeks to improve cooperation on the protection of IPR.

The CCMAA established The Joint Customs Cooperation Committee (JCCC) accordingly, which have been meeting every two years since 2002. The 10th meeting was held on April 27, 2015.²⁵ The meeting discussed further co-operation in enhancing supply chain security by implementing Phase III of the Smart and Secure Trade Lanes Pilot Project in 2016, and taking active steps to explore the mutual recognition of respective Authorized Economic Operator Programmes.^{26 27}

On 27 April 2015, the EU and C&ED signed an Action plan to improve the targeting of shipments of IPR infringing goods by exchanging case specific information and conducting joint analysis on general risks and trends. A 6-month pilot project under the EU-Hong Kong Action

²¹ Hong Kong Customs and Excise Department http://www.customs.gov.hk/en/about_us/index.html

²² Twenty-foot Equivalent Unit

²³ Hong Kong Port Development Council - Container Troughput Hong Kong
<http://www.pdc.gov.hk/docs/Hkport.pdf>

²⁴ European Commission Customs and Taxation Union, Hong Kong
http://ec.europa.eu/taxation_customs/customs/policy_issues/international_customs_agreements/hong_kong/index_en.htm

²⁵ Hong Kong Customs and Excise Department – Press Release: HK, China-EU Joint Customs Co-operation Committee Meeting works on trade facilitation and enforcement issues
http://www.customs.gov.hk/en/publication_press/press/index_id_1334.html

²⁶ European Commission Taxation and Customs Union – Authorized Economic Operator Programme
http://ec.europa.eu/taxation_customs/customs/policy_issues/customs_security/aeo/index_en.htm

²⁷ Hong Kong Customs and Excise Department - Authorized Economic Operator Programme
http://www.customs.gov.hk/en/trade_facilitation/aeo/

Plan was commenced on October 1, 2015 with key EU counterparts, and a joint evaluation will be completed by May 2016. The program will be launched in English speaking countries first and is planned to expand to all 28 EU countries. The pilot project focuses on the sharing of detention statistics and case specific information, risk analysis to identify trends and targeting of high-risk consignments, and will be limited to air cargo, express courier and postal sector.

The pilot program includes information exchange between EU and Hong Kong almost daily. From the data, risk analysis will be conducted to target specific suspicious shipments. What is noticeable in the EU-Hong Kong Action Plan is that the C&ED can access both seizure data of seizure to/from China as well as Hong Kong-EU seizure data, which makes Hong Kong a focal point in creating more intelligence to fight IPR problems. At the moment the EU-Hong Kong Action Plan only covers data about seizure, but it can be expanded all the way to identifying the country of provenance of the parcels, mapping patterns of organized crime, and money laundering.

2.1.1 EU Customs Attaché with C&ED

In order to facilitate the EU-Hong Kong Action Plan and to increase cooperation with EU customs to quickly respond to the expansion of trade of counterfeit goods, the EBPBC suggests to establish a position as an EU customs attaché, with the C&ED and/or a reciprocal role for a C&ED officer to be stationed at EU borders. Having this position would improve the exchange of information, take burden away from several EU member countries attachés already established in Hong Kong, and serve the remaining 28 EU countries better.²⁸

The constant exchange of information by the proposed EU customs attaché could also be a significant step in bridging the gap between Hong Kong and the European Economic Area. If one only looks at the seizure data and statistics without further analytical information, it is very easy to have an exaggeratedly bad image of Hong Kong. The seizure data only shows Hong Kong as one of the key places of provenance for counterfeit goods but does not explain that such products are in fact being shipped from Hong Kong and not necessarily manufactured in Hong Kong. This may mislead EU members into coming up with a suitable plan to attack the root of the problem.

The duties of the proposed attaché could include:

- Operational Assistance, such as joint investigations, executing enforcement actions and collaboration on the spot IPR operations.
- Increased information exchange, such as how much counterfeit goods slips through each relevant control network to EU.

²⁸ European Commission, *International Customs Co-operation and Mutual Administrative Assistance Agreements*, http://ec.europa.eu/taxation_customs/customs/policy_issues/international_customs_agreements/index_en.htm

- Joint Capacity Building, such as conducting joint training, sharing best practices and refining targeting and investigative strategies.

2.2. Assessing the Problem with Transshipments

Despite the rapid growth, the relative volume of counterfeit goods shipped via private postal couriers is very little compared, for example, to the container shipments. Moreover, the number of items in one shipment is very small. For most part, the majority of the goods arrive at their final destination in sea cargo containers. Due to the efficient harbour and geographical location, Hong Kong is a key hub of container logistics in Asia. Regarding shipping of counterfeit goods, Hong Kong is mainly used as a transshipment port and a great number of such shipments from China come via Hong Kong and continue onwards to their final destination.

Transshipment Cargo refers to (1) any imported article that is consigned from a place outside Hong Kong to another place outside Hong Kong, or (2) any imported article that is to be removed from the mean of transportation in which it was imported and either returned to the same mean of transportation or transferred to another mean of transportation for being exported.²⁹ Article in transit refers to an article which is brought into Hong Kong solely for the purpose of taking it out of Hong Kong and remains at all times in/on the mean of transportation which brings it into Hong Kong.³⁰

Section 12 of the Trade Descriptions Ordinance of Hong Kong (TDO) prohibits import and export of goods to which a false description or forged mark is applied and any person who does so commits a criminal offence.³¹ But section 12 does not apply to “goods in transit”. Section 30B of the TDO permits a trademark owner to apply to court for a detention order where he has reasonable ground for suspecting that infringing goods may be imported. However, section 30B does not apply to “goods in transit”.

One of the key competitive factors of Hong Kong economic zone is the efficient harbour. Hence, simply adding more inspections and measures is not a solution that would benefit parties on a bigger scale. The harbours with the strictest enforcement systems are not necessarily the best performing ones. A balance between effective control and trade facilitation needs to be found. Otherwise there will potentially be a negative impact on the city’s business and reputation.

While waiting for the EU-Hong Kong Action Plan to expand to all of the 28 EU countries, and to support the EU-Hong Kong Action Plan for the future, EBPBC suggests C&ED to engage in

²⁹ Hong Kong Trade and Industry Department - Definition of Transshipment Cargo
http://www.tid.gov.hk/english/import_export/tces/tces_maincontent.html

³⁰ Hong Kong Trade and Industry Department – Articles in Transit
https://www.stc.tid.gov.hk/english/circular_pub/stc7_04.html

³¹ Section 12 of the Trade Descriptions Ordinance of Hong Kong (TDO)
http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/620C44C5887E4501482575EE0071B7D7?OpenDocument&bt=0

separate risk analysis. Due to the transshipping nature of most shipments containing counterfeit goods arriving into Hong Kong, more information about the origin and the destination of shipment is necessary and dissemination of such information to other Customs offices and/or brand owners would be helpful to better target these infringers. Due to the large and most likely increasing volume of those goods, a smart targeting of investigation is necessary.

We encourage C&ED to work closer with brand owners especially in the areas of risk analysis so that the search process for the goods can be optimized.

2.2.1 New EU Regulation on “Goods in Transit”

The EBPBC notes that there will be a new EU Trade Mark Package (article 10.5 of the EU Trade-mark Directive and article 9.4 of the EU Trademark Regulation)³² coming into force around April 2016. According to the new EU Trade Mark Package, EU trade mark owners shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the EU without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorization a trade mark which is identical with the EU trade mark registered in respect of such goods, or which cannot be distinguished in its essential aspects from that trade mark. This means that Customs officials will be able to detain goods suspected of infringing a trademark, where those goods are merely in transit through EU territory regardless of whether those goods may enter the EU market.

The EBPBC would like to invite the Hong Kong government to consider enacting similar amendments to its law to encompass goods in transit as part of the scope for IP enforcement actions by C&ED.

2.3. Further Easing the Bureaucracy Related to Examination of Seized Goods

In order to obtain protection as registered trademarks in Hong Kong, trademarks must be registered under the Trade Marks Ordinance (Chapter 559)^{33 34} and the Trade Marks Rules (Chapter 559A).³⁵ IPR owners will then need to file for recordation of their IPR with C&ED in order for them to take enforcement action against infringers. As part of the recordation, brand owners will also need to specify certain persons willing and able to examine and testify on behalf of the brand. Once the recordation is complete, C&ED may take up enforce-

³² Directive 2008/95/EC

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:299:0025:0033:en:PDF>

³³ Hong Kong Intellectual Property Department – Press release: Trademark Protection

http://www.ipd.gov.hk/eng/pub_press/publications/trademark_protection_e.pdf

³⁴ Trade Marks Ordinance Chapter 559

[http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/C6F50B0575482F10482575EF001AFA8E/\\$FILE/CAP_559_e_b5.pdf](http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/C6F50B0575482F10482575EF001AFA8E/$FILE/CAP_559_e_b5.pdf)

³⁵ Trade Marks Rules Chapter 559A

http://www.legislation.gov.hk/blis_pdf.nsf/6799165D2FEE3FA94825755E0033E532/A41734F6563C2EA6482575EF001B158A?OpenDocument&bt=0

ment action and see if any of the recorded trademarks are on suspiciously infringing items in the market or at the borders.

C&ED keeps a database of all recorded IPR owners, which they refer to when they conduct enforcement work. C&ED's internal database requires pro-active action by brand owners to ensure that their registered trademarks are properly recorded on C&ED's internal database and that their designated examiners have all requisite knowledge to determine authenticity of all seized products during enforcement action. The designated examiners must also be willing and able to attend Court to testify as a witness in cases where. The reason for C&ED's database is to allow them to determine whether enforcement action can be taken and to liaise with the correct brand owner once enforcement action has been taken. Also, in cases where counterfeit goods are found, C&ED will use this internal database to confirm the counterfeit nature and/or the owner of the registered goods.

Despite the good intention of such system, the requirements to fulfil for recordation are physically burdensome for many brand owners. This is mainly due to the fact that examiners are required to conduct examination in person for all seized products. In addition to that, it is necessary for that examiner to appear in court in the event the defendant challenges the examiner's statement. As such, many small and medium-sized enterprises (SMEs) or overseas brands choose not to take the opportunity to record their trademarks with C&ED. This is due to the fact that they do not have any one situated in Hong Kong or nearby region that would be able to help them conduct the examination.

C&ED has assessed the problem and are making efforts to utilize technology to help with enforcement action. To reduce the costs and trouble for SMEs to defend their IPR, C&ED has developed a special video conferencing system that has been operating since April 2014. Using the system, these smaller companies can verify the authenticity of seized products via video conferencing without having to travel to Hong Kong. After the product has been identified as a counterfeit one, a 3D model can be printed at C&ED, if it is too costly to send one to Hong Kong or to make a legal copy. In these cases, unless the court requires, the original owner does not have to be present in Hong Kong. However, the examiner will still have to come to Hong Kong in case the matter goes to trial and the examiner is required to attend the hearing. Otherwise, the brand owner may be located outside of Hong Kong as long as he/she can conduct the verification.

It should be noted that this high evidentiary requirement for brand owners results from court precedents in respect of IPR criminal prosecution cases. This is to ensure successful prosecution of all defendants in these criminal cases. The EBPBC would like to suggest working with the DOJ to discuss the brand owners' concerns and options in meeting these high evidentiary requirements. In addition, although it is much appreciated to have a high standard criminal enforcement system, the EBPBC would like to suggest Hong Kong Government authorities to consider adopting a simplified procedure for small value cases like it exists in several jurisdictions including the EU.

2.4. Unprecedented Impact on Brand Protection Strategies due to the Explosion of Small Express Courier Seizures

Online sales and e-commerce have grown significantly in China and Hong Kong, mostly thanks to the remarkable development of postal courier of small parcels. This phenomenon now represents a huge challenge for most private courier companies, some of whom are taking the matter seriously and working closely with C&ED in detecting and seizing suspected parcels load of counterfeit products.

Increasing number of cases regarding trade of counterfeit goods is executed via private express couriers. From articles seized by EU customs, 8% originate from Hong Kong, which accounts for over 16% measured by value of the products seized.³⁶ 81% of these are postal courier cases. This is a substantial increase from 2013, which explains the 10% increase in the total number of Customs cases from 2013 to 2014, but no increase in number of products seized.

Hong Kong as the country of provenance accounts for 20% of the total EU customs postal courier seizures and 38% in terms of articles. The cases related to postal and courier traffic accounted for 72% of all detentions and principally concerned sport shoes, personal accessories like bags and wallets, clothing, sunglasses and watches. In terms of number of articles detained in postal traffic, medicines remained, for the fourth consecutive year, the top category with 19%.

It should be noted that the private express couriers are only used to ship the counterfeit items from one jurisdiction to another, but they are not the party actually retailing and/or offering the counterfeit goods.

C&ED has signed several Memorandums of Understanding (MoUs), the latest in June 2015, with some of the larger private express couriers to address the problem.³⁷ With the MoUs, the C&ED is extending their Customs operations with the help of the staff of these private express couriers and there has been an increase in the number of IPR enforcement cases being actioned by the C&ED. However, not all private express couriers have signed these MoUs and brand owners are currently not yet part of this process. The EBPBC suggests forging additional co-operation on top of these MoUs so that brand owners can take part to share data and contribute to collaboratively tackle this problem.

³⁶ European Commission, Report on EU customs enforcement of intellectual property rights – Results at the EU border 2014
http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/counterfeit_piracy/statistics/2015_ipr_statistics.pdf

³⁷ Hong Kong Customs and Excise Department – Customs News
http://www.customs.gov.hk/filemanager/common/pdf/pdf_publications/new/issue54_e.pdf

2.5. Recommendations

- The EBPBC recommends establishing a EU customs attaché role.
- Increase risk analysis and profiling using the data shared and available.
- Expand current legislation to reflect similar provisions as the new EU Trade Mark package to allow detainment and seizure of infringing goods in transit in Hong Kong.
- Simplifying the recordable procedure and/or evidentiary burden to allow small/medium enterprises to work with the C&ED on IPR enforcement matters.

3

IPR Protection on Inland

As far as IPR protection in Hong Kong is concerned, due to the recent development, copyright piracy activities are largely taking place on the Internet. The crime of counterfeit goods in physical shops has largely decreased. Only sporadic, small-scale sales are observed in the physical market. C&ED is fully aware of the overwhelming impact Internet has on all aspects of lives and business, and has rearranged a wide array of C&ED functions accordingly, as explained earlier in the document.

Despite the great efforts of C&ED, the problem of IPR infringement on inland Hong Kong still exists due to the new forms of infringement. These are phenomena such as IPR infringement at Hong Kong trade fairs, growing presence of imitation products and the rise in the number of secret showrooms. As a result, the Hong Kong Government, Hong Kong retailers as well as European brand owners suffer from losses and extra costs, when products are not bought via legal stores and sellers. To battle all of this, more and better cooperation is needed between different parties - from brand owners to C&ED. New measurements, penalties, and procedures need to be put in place both in Hong Kong and the European Economic Area.

The Hong Kong Intellectual Property Department (IPD) provides high-quality and responsive patent, trademark and designs registration services to the public in Hong Kong. This helps promote the sale of genuine goods in Hong Kong. To help these enterprises to grasp fully the intellectual property regimes in Guangdong Province, Hong Kong and Macao, a number of government departments from the three places, including, Guangdong Intellectual Property Office, Guangdong Provincial Administration for Industry and Commerce, Administration of Press, Publication, Radio, Film and Television of Guangdong Province (Administration of Copyright of Guangdong Province), IPD and Intellectual Property Department of

the Macao Economic Services have jointly developed the “Intellectual Property Database for Guangdong Province, Hong Kong and Macao”.³⁸ This Database enables the Pearl River Delta’s (PRD) existing and potential investors to search in a one-stop-shop manner for information on intellectual property systems throughout the region.

The burden on the C&ED Officers is very high as all C&ED cases are criminally prosecuted, especially the ones involving arrests of infringers. The evidentiary threshold imposed on the C&ED to enforce trademark infringement cases is notoriously high. Hence, the C&ED officers are very cautious in enforcing trademark infringement cases (i.e. imitations) making it difficult for trademark owners while trademark infringement cases remain a crucial issue in the streets of Hong Kong.

3.1. Mutual Cooperation with C&ED and IPD

In 2014, C&ED detected 1076 cases involving counterfeit goods or goods bearing false trade description with 752 persons arrested and 93 million HKD goods seized. Compared with 2013, C&ED detected 752 cases involving counterfeit goods with 663 persons arrested and 146 million HKD worth of goods seized. These numbers reflect progress in C&ED enforcement measures, instead of a real sign of counterfeiting activities increasing. C&ED also actively utilises the Organized and Serious Crime Ordinance (OSCO) to crack down on organized counterfeiting activities. Since 2004, 11 IPR cases (8 copyright cases and 3 counterfeit cases) were detected leading to 130 million HKD worth of goods seized.³⁹

As of December 2015, there are 121 actionable European trademarks and 52 unsanctionable European brands (i.e. have not completed recordation clearance) in Hong Kong.⁴⁰ The C&ED has endeavoured to contact respective trademark owners for recordation clearance but some of them did not provide any feedback. In order to enable enforcement actions to be taken on suspected infringing activities on those non-actionable trademarks, the Hong Kong Customs has sought assistance from respective Consulate Generals in Hong Kong and the EU in soliciting the cooperation of the right holders since May 2015, and is awaiting feedback from the relevant right holders.

Normally, recordation clearance with the C&ED takes roughly one to three months, provided that IPR holders are able to provide the recordation documents required and appoint competent examiners in time. If the trademark owner does not complete the recordation clearance, the C&ED is unable to take any action against the infringing activities found on their brands. When there is no feedback from the IPR holders, C&ED will try to seek assistance from the

³⁸ Intellectual Property Database for Guangdong Province, Hong Kong and Macao
http://www.ip-prd.net/main_e.htm

³⁹ Hong Kong Customs and Excise Department -Statistics
<http://www.customs.gov.hk/en/statistics/index.html>

⁴⁰ Hong Kong Intellectual Property Department - Intellectual Property Trademarks Registry

respective Consulate General in Hong Kong in a bid to liaise with the trademark owners in their own countries. This has resulted in outreach programs with some of the consulates.

3.2. Monitoring of Trade Fairs

Every year, a high number and great variety of international trade fairs are organized in Hong Kong, ranging from printing and packaging fairs, optical fairs, to jewellery fairs. These fairs attract a high volume of buyers and visitors from all over the world. However, European brands have repeatedly found infringing products displayed in these international fairs, which damages Hong Kong's role as an international trade hub. European brands have tried to work with the organizers of the trade fairs to issue administrative actions against the infringers but the situation has not improved. European brands believe that appropriate criminal actions would be able to effectively deter exhibitors from dealing in infringing products in the future.

C&ED launched a "Fast Action Scheme" with IPRPA in July 2006. Under the scheme, C&ED will take prompt enforcement action.⁴¹ The scheme enables the Hong Kong Customs to take swift enforcement action in response to complaints against any infringement activity that takes place in local trade exhibitions and fairs. The scheme is activated in 84 major trade exhibitions and has so far resulted into 175 infringement cases detected and 208 persons arrested. However, the Scheme has stringent evidentiary requirements making it particularly challenging and, on some occasions lengthy, for SMEs to register prior to the fair.

3.3. Secret Showrooms and Street Hawkers

Thanks to the persistent enforcement efforts of C&ED, visibility of counterfeit goods in Hong Kong on-street level has been reduced to a low level.

However, a significant number of counterfeiters have moved from on-street shops to secret showrooms to deal in counterfeit products. The customers are usually invited from the street by the store owner for closer inspection of the product and payment. The situation has been expanding from popular tourist locations in Western Kowloon to Eastern Kowloon and the New Territories.

There is also an increasing trend of selling counterfeit goods in a mobile nature, either as itinerant hawkers or moving from one temporary on-street shop to another in order to lower the risk of being caught by C&ED or being identified by IPR owners for subsequent enforcement action.

⁴¹ Intellectual Property Rights Protection Alliance - A Brief Introduction on the „Fast Action Scheme“
<https://www.iprpa.org/eng/urgentPlanContent.php>

3.4 Recommendations

- C&ED is recommended to set up a booth in the key trade fairs to take complaints from IPR owners or the public, and to take prompt raid actions against the exhibitors dealing in infringing products on the spot.
- Removing the indemnification burden on brand owners, including the Hong Kong Trade Development Council (HKTDC) requires brand owners to indemnify the HKTDC when a complaint against an exhibitor of HKTDC for trademark infringement is made.
- Seeking action to remove the excessive evidential requirement for taking down the secret showrooms and street hawkers.
- The IPR industry should be encouraged to provide active support to C&ED, such as informing and educating C&ED officers to improve inspection skills in trademark infringement cases, with special focus on helping SMEs.

4

Co-operation & Awareness

4.1. Increasing Public Awareness and the Environmental Impacts

At the heart of brand protection is the consumer awareness. The better the consumers are informed about the dangers and spill over effects of buying counterfeit goods, the more likely they are to refuse to buy them or to search information about the genuineness of the product. If there is no demand for counterfeit products, the sellers will equally lack an incentive to proceed with the efforts to trade such products. In order to spread these practices as wide as possible, participation in these initiatives has to be as wide scale as possible. EBPBC also strongly encourages all the relevant parties from both the public and private sector to participate in developing and executing such initiatives.

Producing and selling counterfeit goods is also used to fund other illegal operations with extremely high humane cost. These operations include human trafficking, drug trade and terrorism. According to Europol, the counterfeit business is a global operation and is organized by cross-border criminal networks. These networks have links with other forms of crime such as fraud, document forgery, tax evasion and trafficking in human beings (mainly for labour exploitation), as well as with organized criminal groups, such as mafia-type organizations. In return, the profits generated by counterfeiting are also used to fund other

criminal activities. Many people buying counterfeit goods are not aware of the larger scale impact of their purchase. If this angle was emphasized more in the campaigns, it could help consumers to see the true cost of their seemingly discounted product.⁴²

The trade of counterfeit goods also has an impact on the environment and the society as a whole. According to the statistics of the EU, in 2014, 27% of all cases of confiscated goods were destroyed under the new small consignment procedure.⁴³ In order to save natural resources and to truly promote sustainability, a bigger proportion of materials from confiscated goods should be recycled.

The recent initiatives to raise public awareness by the IPD, the C&ED and the EBPBC have been very valuable.^{44 45} These initiatives include:

- The “Jewellery Integrity Campaign” (2005) with the jewellery industry and the Consumer Council campaign aims at reinforcing the image of Hong Kong as a shopping paradise for genuine goods, facilitating law enforcement against false trade descriptions and promoting consumer protection.
- The Youth Ambassadors against Internet Piracy Scheme (YAS) (2006) by the C&ED, IPD and IPR industry with 13 local youth uniformed groups (YUGs) recruiting about 250,000 youngsters aged between 9 and 25 as Youth Ambassadors.
- The “Customs-Wine Alliance” (2008) with the wine industry in a bid to protect the legitimate wine trade from counterfeiting and false trade description of origin. An anti-counterfeit wine expert group has been formed to draw up risk indicators for identifying possible counterfeit wine.
- C&ED jointly with the IPD produced a set of TV and radio Announcements in the Public Interest (API) reminding youngsters not to engage in selling counterfeits on social networking platforms (2015).
- IPD actively collaborated with brand owners, associations and other Hong Kong Government authorities to organise various events promoting respect and protection of IPR in Hong Kong and encouraging pride in the selling and buying of genuine goods by Hong Kong retailers, tourists and consumers with a particular focus on young people. It notably included the “No Fakes Pledge” Scheme, “I Pledge” Campaign and Live Band Festival and “Respect Copyright” Campaign.

⁴² EUROPOL, 2015 Situation Report on Counterfeiting in the European Union,

<https://oami.europa.eu/ohimportal/documents/11370/80606/2015+Situation+Report+on+Counterfeiting+in+the+EU>

⁴³ European Commission, Report on EU customs enforcement of intellectual property rights – Results at the EU border 2014

http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/counterfeit_piracy/statistics/2015_ipr_statistics.pdf

⁴⁴ The Government of the Hong Kong Special Administrative Region, Customs and Excise Department Departmental Review 2013,

http://www.customs.gov.hk/filemanager/common/pdf/pdf_publications/Departmental_Review_2013_e.pdf

⁴⁵ The Government of the Hong Kong Special Administrative Region, Customs and Excise Department Departmental Review 2014,

http://www.customs.gov.hk/filemanager/common/pdf/pdf_publications/Departmental_Review_2014_e.pdf

- C&ED co-organized IPR-related seminars with the industry and law enforcement agencies from time to time. These seminars helped strengthening the mutual cooperation and intelligence exchange of the law enforcement agencies and IPR industry to better prevent and investigate IPR crimes through concerted efforts.

The EBPBC also launched several self and joint initiatives such as an IPR breakfast seminar, together with C&ED, on “The Challenge of Transshipment in IPR Protection” as part of the EUBIP programme. As well as an IPR evening seminar organized together with the EU SME Helpdesk in Beijing.

4.2. International Collaboration and Increased Private Public Collaboration

The recent collaboration with neighbouring countries has also been very successful. However, since the trade of counterfeit goods is constantly evolving, so the means to combat it also have to evolve. Given its strategic location and the strong rule of law, Hong Kong has the chance to be a leading market to tackle this crime that knows no borders. To develop the cooperation even further, the key is to increase collaboration with neighbouring countries as well as internationally and to notably increase the involvement of the private sector in the process.

An increase in collaboration between the public and private sector could be arranged through quarterly meetings involving brand owners and the public sector and be a forum to address general issues and trends, share best practices and discuss concrete cases.

4.3. Encourage Action Against Trademark Infringements

In Hong Kong, if any person falsely applies to any goods any trade mark or any mark so nearly resembling a trade mark as to be calculated to deceive, this person commits an offence (s. 9 of the Trade Description Ordinance (Cap. 362)).⁴⁶ Despite such specific provision in the legislation, legal enforcement by the C&ED in respect of trade mark infringement cases (i.e. imitations) remains insufficient to properly tackle the issue. Although we appreciate the difficulty in enforcing this rather complex type of IPR infringement we recommend C&ED to take a more forceful approach to remove imitation products from the market.

Although not directly impacting Hong Kong’s consumer market, these illegal activities seriously tarnish Hong Kong’s remarkable reputation for providing a safe business and shopping environment. Consumer safety, Hong Kong’s reputation as a prime shopping location and legitimate brands owner’s images are amongst the few critical elements at stake. Since transportation connections are getting better and better, the actual distance to a certain

46 Trade Marks Ordinance Chapter 362

shopping location becomes less and less significant to a visiting tourist, whereas the ability to trust every aspect of the destination becomes more important.

4.4. Recommendations

- The EBPBC encourages the European Commission to develop new initiatives in collaboration with the C&ED to increase cross-jurisdictional cooperation and information sharing on an international level.
- Increase cooperation between public and private stakeholders to address general issues and trends, share best practices and discuss concrete cases.
- Designing a novel and ambitious public awareness strategy, frankly addressing counterfeiting impact (i.e. funding of terrorist and criminal organizations, catastrophic consequences on sustainability and social responsibility) and focusing more on mainstream communication channels (i.e. social media).

Abbreviations

API	Announcements in the Public Interest
C&ED	Customs and Excise Department
C2C	Customer to Customer
CCMAA	Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters
China	People's Republic of China
Courts	Criminal and Civil Courts
DOJ	Department of Justice
EBPBC	ECC European Brands Protection Business Council
ECC	European Chamber of Commerce in Hong Kong
ECIC	Electronic Crime Investigation Centre
EU	European Union
EUBIP	European Union Business Information Programme
EUIPO	European Union Intellectual Property Office
HKTDC	Hong Kong Trade Development Council
Hong Kong	Hong Kong Special Administrative Region
IP	Intellectual Property
IPD	Intellectual Property Department
IPR	Intellectual Property Rights
IPRPA	Intellectual Property Rights Protection Alliance
JCCC	Joint Customs Cooperation Committee
Macao	Macao Special Administrative Region
MoUs	Memorandums of Understanding
OHIM	Office for Harmonization in the Internal Market
OSCO	Organized and Serious Crime Ordinance
PRD	Pearl River Delta
SAIC	Chinese State Authority for Industry
SMEs	Small and medium-sized enterprises
TDO	Trade Descriptions Ordinance of Hong Kong
TEU	Twenty-foot Equivalent Unit
US	United States
USTR	United States Trade Representative office
WCO	World Customs Organization
YAS	Youth Ambassadors against Internet Piracy Scheme
YUG	Youth uniformed groups

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European Union Business Information Programme in Hong Kong & Macao

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