

ANNEX I

Questionnaire for EC Delegations

The contents of the replies to the questions below will be taken into consideration in order to allow DG Trade to define and review its priorities regarding the enforcement of intellectual property rights in third countries, as established in section 1) of the Strategy for the Enforcement of Intellectual Property Rights in Third Countries, approved by the Commission on 10 November 2004. Furthermore it will bring up to date the 2006 IPR Enforcement Survey currently published on the Commission External Trade website.

Unless otherwise stated, the questions refer to the period between **1 April 2005** and **31 March 2008**. This is done in order to limit the scope of the analysis.

It is suggested that, in order to obtain information, as comprehensive and complete as possible, the Delegation should consult:

- The Embassies of Member States in the country;
- National authorities responsible for IPR enforcement;
- EU right holders / associations operating in the country, as well as domestic right holders / associations.

The identity of the companies / associations that provide specific information will not be disclosed.

Should you require any additional information regarding this questionnaire, please contact:

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The replies to this questionnaire should be **received no later than 31 May 2008**. Replies should be sent to the address above. A copy of the reply sent by e-mail would be appreciated.

COUNTRY:
(Concerned by this submission)

1. What are the main type(s) of IPR infringement(s) in the country?

- ☐ Piracy of *copyrights* (music, film, software, books, etc.)
- ☐ Counterfeiting of *trademarks* (textiles, footwear, luxury items, drinks, toys, etc.)
- ☐ Infringement of *patents* (pharmaceuticals, agro-chemicals, machinery, etc)
- ☐ Infringement of *geographical indications*
- ☐ Infringement of *designs*
- ☐ Theft of *trade secrets*
- ☐ Other, please specify:

2. What is the nature of the infringement(s) suffered?

- ☐ Local production
- ☐ Local use
- ☐ Local sales
- ☐ Illicit parallel importation (from EU or third countries)
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- ☐ Exportation (to EU or third countries)
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- ☐ Transit (from/into EU or third countries)
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3. Report any particularly relevant cases of infringement of IPRs occurring since 1 April 2005.

Examples: Cases affecting / involving EU right holders; cases having an impact / consequences on public health, safety or security.

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4. Are the following enforcement mechanisms allowing the right holders to react against the infringement of their IP rights? If not, please explain why.

- Administrative procedures (police, etc)? ☐ Yes ☐ No

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- Judicial procedures (civil or criminal)? ☐ Yes ☐ No

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➤ Customs procedures? ☐ Yes ☐ No

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➤ Arbitration? ☐ Yes ☐ No

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➤ Political demarches? ☐ Yes ☐ No

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➤ Contacts with local (trade, industrial, IP) associations? ☐ Yes ☐ No

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5. Describe the response of the competent authorities to the initiatives undertaken in reaction against the violation of rights of EU right holders.

On a scale of 1 (poor) to 5 (very good) state your perception about the:

- Ease of identifying the competent authorities: ☐1 ☐2 ☐3 ☐4 ☐5

- Availability/commitment to treat the requests: ☐1 ☐2 ☐3 ☐4 ☐5

- Length of their reaction to the requests: ☐1 ☐2 ☐3 ☐4 ☐5

- Effectiveness of the measures adopted by the authorities ☐1 ☐2 ☐3 ☐4 ☐5

How do you consider the costs of the proceedings?

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Are there any difference of treatment between nationals and foreigners?

☐ No

☐ Yes, explain why:.....
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6. To answer the following questions, please take into account the general framework of the policy on intellectual property followed by the national authorities, including the definition of the broad guidelines in relation to IPR enforcement, the adoption of legislation and the setting up of the structures necessary to implement such legislation, for the period between 2005 and today.

6.1 On a scale of 1 (poor) to 5 (very good), how do you assess the commitment shown by the competent authorities to combat the violations of IPR?

At national level: ☐1 ☐2 ☐3 ☐4 ☐5

At regional level: ☐1 ☐2 ☐3 ☐4 ☐5

At local level: ☐1 ☐2 ☐3 ☐4 ☐5

6.2 On a scale of 1 (poor) to 5 (very good), how do you assess the effectiveness of the measures adopted?

At national level:	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
At regional level:	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5
At local level:	☐ 1	☐ 2	☐ 3	☐ 4	☐ 5

6.3 What do you consider as the main weaknesses / problems of the current system in place?

- ☐ Deficient **legislation**
- ☐ Insufficient or incorrect **implementation** of the TRIPs requirements (in case of WTO members)
- ☐ Deficient **enforcement** of the domestic IPR regulations
- ☐ Cost of proceedings
- ☐ Length of proceedings
- ☐ Uncertainty of the outcome
- ☐ Possible adverse effects on local business operations (risk of retaliation)
- ☐ Lack of trained officials
- ☐ Lack of resources
- ☐ Lack of political will
- ☐ Corruption
- ☐ Other:

6.4 Overall, how has the local IPR enforcement situation evolved in the last 3 years?

- ☐ Improved
- ☐ Unchanged
- ☐ Deteriorated. If so, please explain why:

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6.5 Please describe the main positive points/improvements:

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7. Is there public awareness that violations of IPR constitute a serious problem at different levels, or are they viewed as acceptable or legitimate practices? Are there any recent awareness campaigns in the media, schools, airports, etc ?

Examples: health risks relating to consumption of fake medications, food or drinks; security risks relating to use of fake car parts or fake electrical appliances; possible loss of foreign investment due to bad international reputation in the protection of IPRs; link of entities responsible for violations of IPR with organised crime networks; harm caused to the right-holders, etc.

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