

Guidebook on Digital Enforcement to Improve Fight Trademark Counterfeiting

APEC Intellectual Property Rights Experts Group

May 2025



**Asia-Pacific
Economic Cooperation**

ANNEX 1

APEC SURVEY FOR IP OWNERS AND CONSUMERS

Survey for Research and Data Collection: Please completed and send it back no later than 27 August 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: CHINA

Name: XXXXXXXXXX

Are you primarily:

- ☐ Trademark owner
☒ Representative of the trademark owner
☐ E-commerce consumer
☐ Both

Name of the represented company (only if applicable): [REDACTED]

Position held at the company (*only if applicable*)

Years of experience related to the use of trademarks or other IPs:

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Prices of products below the alert line can effectively identify the counterfeiting products

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☒ Legal Advisors.
☒ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Small household appliances

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						✓
Collaboration with e-commerce platforms.						✓
Use of anti-counterfeiting technologies (e.g., blockchain, AI).						✓
Legal action against infringers.						✓
Consumer education campaigns.						✓
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☐ No
☒ Yes

If yes, please describe how:

The veterinary pharmaceutical industry requires product packaging with QR codes for traceability, improving the safety of veterinary medicines

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (Rank from 1-5, with 1 being the most significant challenge)

[2] Rapid evolution of counterfeiting techniques.

[3] Limited resources for enforcement.

[4] Lack of cooperation from online platforms.

[1] Jurisdictional issues in cross-border enforcement.

[5] Difficulty in identifying counterfeiters.

[] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

Data monitoring is more efficient, but it is sometimes difficult to locate targets geographically.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

[✓] No

[] Yes

If yes, please specify the type of support and the provider:

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

By entering the provided label ID, security code and checking the seal, consumers can check the authenticity of the product at any time on the official website.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

Uniqueness of the ID code

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☒ No

☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☒ No

☐ Yes

If yes, please describe briefly:

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1)____; (2)____; (3)____; (4)____; (5)____ **Excellent**

☒ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

[4] Financial resources.

[5] Technical training.

[1] Legal assistance.

[2] Improved collaboration with e-commerce platforms.

[3] Enhanced cross-border enforcement mechanisms.

☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

Permanent closure of the online shop, high fines and sentence to prison

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No

☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers	✓				
E-commerce platforms	✓				
Trademark owners	✓				

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

[4] Speed of implementation and action.

[2] Collaboration with e-commerce platforms and online marketplaces.

[3] Technological sophistication of the measure.

[1] Legal backing and enforceability.

☐ Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1)____; (2)____; (3)____; (4)____; (5)✓____ **Very important**

Please, briefly explain:

China is a society based on the rule of law, and the law is mandatory for the fight against crimes, so the laws and regulations have the most important significance for the fight against counterfeit goods in China.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☒ No

☐ Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

If a person, without the permission of the owner of the registered trade mark, uses a trade mark identical to his registered trade mark on the same kind of goods under serious circumstances, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and shall also be sentenced to a fine or a single fine; if the circumstances are particularly serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall also be sentenced to a fine.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[1] Increased penalties for online counterfeiters.

- [4] Greater responsibility for e-commerce platforms.
 [2] Improved cross-border enforcement mechanisms.
 [3] Faster takedown procedures for infringing content.
 [5] Enhanced data sharing between enforcement agencies.
 [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [✓] No
 [] Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1)____; (2)____; (3)____; (4)____; (5)✓____ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
Public Security Bureau	In charge of taking raid actions

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Follow news and official accounts related with IP laws and regulations.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- [✓] No
 [] Yes

If yes, please describe:

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

[2] Strengthen collaboration between trademark owners and e-commerce platforms.

[4] Implement more sophisticated AI and machine learning tools for detection.

[3] Enhance cross-border enforcement mechanisms.

[1] Increase penalties for online counterfeiters.

[5] Improve consumer education about counterfeiting risks.

[] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Rights holders to improve anti-counterfeiting technology, the government to continuously improve laws
and regulations, and to strengthen legal education for the community.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

[5] Increased consumer confidence in authentic products online

[1] Reduced the prevalence of counterfeit goods in e-commerce platforms

[4] Improved the overall reputation of online marketplaces

[2] Enhanced brand value and recognition in the digital space

[3] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.					✓
Development of a unified database of authentic trademarks.					✓
Creation of a digital trust score for online sellers based on their IP compliance history.			✓		

Establishment of fast-track digital customs clearance for trusted brands.			✓		
Integration of AI-powered chatbots to help consumers verify product authenticity.					✓
Implementation of QR code scanning for real-time trademark verification.					✓
Development of a decentralized platform for peer-to-peer authentic product trading.					✓
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

It's important. Because consumer feedback reflects the actual needs of the market. It can help companies to understand other competitors' products and technologies, and help them to avoid the risk of possible infringement. Consumer-based regulations are more responsive to actual needs.

9.7. Are there any other measures you believe could increase confidence in digital trade?

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Regulations on infringing goods in different economies or regions.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[✓] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Republic of Korea

Name: [REDACTED]

Are you primarily:

- ☒ Trademark owner
- ☐ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): [REDACTED]

Position held at the company (only if applicable): [REDACTED]

Years of experience related to the use of trademarks or other IPs: [REDACTED]

Email: [REDACTED]

*Note: all personal data will be protected and not be published neither disclosed

FCG Korea is a leading company known for its golfwear brands, such as WIDE ANGLE and PIRETI which are popular both domestically and internationally. To safeguard its brand, FCG

Korea monitors domestic and global platforms. Recently, the company discovered low-quality counterfeit versions of its WIDE ANGLE golf apparel circulating in the market. In response, FCG Korea has collaborated with KIPO and Korean customs to address the issue, taking swift corrective actions to ensure consumer safety and protect its brand integrity.

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

FCG Korea conducts online monitoring of domestic and international websites and platforms. When counterfeit products are identified, FCG Korea's legal team takes appropriate actions to address the issue.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

FCG Korea is renowned for its golfwear, with well-known brands like WIDE ANGLE and PIRETTI that are popular among domestic and global consumers. With this growing popularity, counterfeit products, particularly golf apparel under the fake WIDE ANGLE brand, have appeared in the market. These low-quality counterfeits are sold at reduced prices and pose significant safety risks to consumers.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (Select all that apply)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☐ Legal action against infringers.
☐ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective").

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						✓
Collaboration with e-commerce platforms.						✓
Use of anti-counterfeiting technologies (e.g., blockchain, AI).				✓		
Legal action against infringers.			✓			
Consumer education campaigns.	✓					
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

FCG Korea actively tracks the distribution channels of counterfeit products and gathers detailed information to support enforcement actions.

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

[] No

[✓] Yes

As FCG Korea's manager, I personally use e-commerce platforms, and due to my role, I am particularly attentive to counterfeit goods in the marketplace and the effectiveness of reporting channels. Many major platforms, including those I use, have robust reporting systems that facilitate the identification and reporting of counterfeit products. As both an online consumer and a trademark owner, I've benefited from these systems, which help maintain a safer and more reliable online shopping environment by addressing counterfeit goods efficiently.

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (Rank from 1-5, with 1 being the most significant challenge)

- ☐ [4] Rapid evolution of counterfeiting techniques.
- ☐ [1] Limited resources for enforcement.
- ☐ [3] Lack of cooperation from online platforms.
- ☐ [2] Jurisdictional issues in cross-border enforcement.
- ☐ [5] Difficulty in identifying counterfeiters.
- ☐ [] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

While e-commerce has expanded opportunities for global exposure, it has also enabled counterfeiters to exploit cross-border platforms, making it more challenging to detect and take actions against counterfeit goods distributed internationally.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☐ [] No

☒ [✓] Yes

FCG Korea actively participates in training and educational programs hosted by KIPO, as well as international initiatives offered by the World Intellectual Property Organization (WIPO) and the International Trademark Association (INTA). These programs provide valuable resources, including webinars, workshops, and educational materials, all aimed at enhancing anti-counterfeiting strategies.

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

FCG Korea, a leader in golfwear, including popular brands like WIDE ANGLE and PIRETTI, has achieved significant success in combating counterfeiting through its participation in the Anti-Counterfeit Council. The company has leveraged the Council's collaborative mechanism, which brings together key stakeholders such as e-commerce platforms, government agencies, and customs authorities, to enhance its trademark enforcement measures in the digital environment.

Through this coordinated effort, FCG Korea has been able to address the increasing threat of counterfeit products, including low-quality versions of its WIDE ANGLE golf apparel. Meetings within the Council have facilitated effective information sharing, allowing customs authorities to receive targeted training to better identify counterfeit goods at the border. This collective approach has strengthened real-time monitoring and enforcement, resulting in a noticeable reduction in the entry of counterfeit goods into the market. The success of these measures is a testament to the value of the Council's collaborative framework in protecting brand integrity and consumer safety.

Over the past two months alone, more than 350 instances of counterfeit products being sold on cross-border e-commerce platforms have been identified at the border. This accomplishment represents a major step forward in detecting counterfeit goods of brands that were previously difficult to identify at this stage, highlighting the effectiveness of the collaborative framework. This progress has been further bolstered by the newly established

cooperation process with customs authorities, which was launched in April of this year and is currently ongoing.

NAME	CONTACT INFORMATION
FCG Korea	

5.2. What do you consider to be the key factors that made this experience particularly effective?

The effectiveness of this experience can be attributed to the strong networking and collaborative channels established through the Anti-Counterfeit Council, which brought together trademark holders, platform operators, and government agencies. The ability to conduct real-time monitoring, combined with efficient information sharing, enabled swift action. Additionally, the prompt enforcement by customs authorities played a critical role in preventing counterfeit goods from entering the market.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

[] No
[✓] Yes

Some companies use AI solutions effectively for comprehensive monitoring of online platforms, enabling quicker detection and response to counterfeit products. The AI-powered image similarity analysis and authenticity verification services serve as valuable references for others. This proactive approach shows great potential in improving enforcement efficiency and should be more widely adopted.

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

[] No
[✓] Yes

FCG Korea maintains a legal team that specializes in trademark laws and policies. The company has also expanded its collaboration with businesses in the fashion industry to share experiences in addressing counterfeiting. The Anti-Counterfeit Council, with over 90 participating entities, serves as a platform for these efforts. FCG Korea regularly participates in the Council's meetings, including the general assembly and fashion business meetings, to stay informed on industry trends and collaborate with other stakeholders. These efforts contribute to ongoing strategies for addressing counterfeit issues and benefiting from shared experiences among members.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ✓; (5) ____ **Excellent**

☐ Not applicable.

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (Rank from 1-5, with 1 being the most beneficial).

☐ Financial resources.

☐ Technical training.

☐ Legal assistance.

☐ Improved collaboration with e-commerce platforms.

☐ Enhanced cross-border enforcement mechanisms.

☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

The rapid identification of counterfeit goods and immediate action to block counterfeit sellers and listings are the most basic yet essential measures that brand owners can take. Many companies are heavily investing in faster detection systems and strengthening partnerships with online platforms to ensure prompt responses. In addition to the efforts of brand owners, society plays a key role, as counterfeit markets cannot thrive without consumer demand. Raising awareness among consumers to foster a culture of respect for IP, where individuals recognize the value of others' trademarks, is a fundamental approach, although its results may take time to be realized. Building on this societal responsibility, governments must also enforce strong penalties for counterfeit manufacturing and distribution. Such legal actions reinforce the societal value of IP protection and further deter future violations, ultimately supporting brand owners and encouraging consumers to respect IP rights.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No

☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers	✓				
E-commerce platforms	✓				

Trademark owners	<input checked="" type="checkbox"/>				
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7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (Rank from 1-5, with 1 being the most important):

[3] Speed of implementation and action.

[1] Collaboration with e-commerce platforms and online marketplaces.

[4] Technological sophistication of the measure.

[2] Legal backing and enforceability.

[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

With the growing use of social media platforms for sales, FCG Korea has encountered both benefits and challenges. While the connectivity of these platforms allows businesses to reach wider audiences, it also provides counterfeiters with new avenues to distribute fake products quickly and discreetly. Social media platforms, originally designed for communication rather than commerce, often lack the robust monitoring systems needed to effectively identify and combat counterfeit activities. As a result, it has become increasingly difficult to detect and prevent the sale of counterfeit goods. Recognizing this, FCG Korea is committed to close collaboration with social media platforms and relevant stakeholders. Our goal is to ensure the continued protection of intellectual property rights in the rapidly evolving landscape of online commerce.

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ☒; (5) ____ **Very important**

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

[] No

[☒] Yes

The first challenge is the lack of standard terms and conditions across online platforms, which often delays the removal of counterfeit products. Each platform operates under different rules, making the process inconsistent. For example, foreign platforms often have different reporting systems or require additional documents from foreign reporters, leading to slower takedowns. The second challenge is the lack of regulation around secondhand goods. Some sellers exploit this by importing counterfeit items and reselling them as secondhand products. These challenges not only hinder the timely removal of counterfeit products but also create loopholes that allow counterfeiters to exploit the system, ultimately weakening the effectiveness of anti-counterfeiting efforts and putting both brands and consumers at greater risk.

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

When counterfeit activities occur, FCG Korea seeks legal protection. The Trademark Act and the Unfair Competition Prevention Act serve as the primary legal frameworks for taking action against counterfeit goods.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (Rank from 1-5, with 1 being the most important)

- [1] Increased penalties for online counterfeiters.
[3] Greater responsibility for e-commerce platforms.
[2] Improved cross-border enforcement mechanisms.
[4] Faster takedown procedures for infringing content.
[5] Enhanced data sharing between enforcement agencies.
[] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [] No
[✓] Yes

FCG Korea has participated in public consultations and discussions hosted by the government, international organizations, industry groups, and other relevant stakeholders.

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) ✓ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
KIPO	One of the main authorities responsible for combating trademark counterfeiting is KIPO. KIPO bridges the customs and law enforcement authorities to ensure effective monitoring and enforcement.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

FCG Korea's legal team closely monitors changes in the IP system. The team attends relevant seminars and subscribes to IP newsletters from key organizations such as KIPO, WIPO, and INTA. Additionally, it receives updates from meetings of the Anti-Counterfeit Council. By staying informed through these channels, FCG Korea ensures that its operational strategies remain up to date.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

AI presents significant potential for addressing trademark counterfeiting. These technologies provide sophisticated capabilities for detecting and analyzing counterfeit products across digital platforms. AI enhances the accuracy of counterfeit detection and improves monitoring efficiency, establishing itself as a crucial tool for enforcement.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (Rank from 1 to 5, with 1 being the most important)

- ☐ 1 Strengthen collaboration between trademark owners and e-commerce platforms.
☐ 2 Implement more sophisticated AI and machine learning tools for detection.
☐ 3 Enhance cross-border enforcement mechanisms.
☐ 4 Increase penalties for online counterfeiters.
☐ 5 Improve consumer education about counterfeiting risks.
☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Advanced technologies such as AI and blockchain hold great promise for enhancing the fight against trademark counterfeiting. AI can improve detection through real-time analysis and pattern recognition, while blockchain can offer secure and transparent tracking of product authenticity throughout the supply chain. Implementing these technologies could significantly strengthen enforcement efforts and reduce counterfeiting.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?
(Rank from 1 to 5, with 1 being the most significant impact)

- ☐ 4 Increased consumer confidence in authentic products online
☐ 2 Reduced the prevalence of counterfeit goods in e-commerce platforms
☐ 1 Improved the overall reputation of online marketplaces
☐ 3 Enhanced brand value and recognition in the digital space
☐ 5 Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
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Implementation of blockchain-based product verification systems.			✓		
Development of a unified database of authentic trademarks.			✓		
Creation of a digital trust score for online sellers based on their IP compliance history.			✓		
Establishment of fast-track digital customs clearance for trusted brands.				✓	
Integration of AI-powered chatbots to help consumers verify product authenticity.			✓		
Implementation of QR code scanning for real-time trademark verification.				✓	
Development of a decentralized platform for peer-to-peer authentic product trading.			✓		
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Incorporating consumer feedback into IP protection strategies is valuable, but it's equally important to filter and apply only useful and valid feedback in a balanced way to ensure effectiveness.

9.7. Are there any other measures you believe could increase confidence in digital trade?

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Guidelines on justice and related penalties for counterfeiting are useful. Detailed information on enforcement practices across different economies can also be very beneficial.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

10. Additional Comments

Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

All trademark owners aspire to a world free from counterfeiting. While achieving this goal may be a long-term journey, taking prompt action when counterfeit products appear in the marketplace is crucial. Immediate and effective responses are essential to mitigating the impact of counterfeiting, protecting brand integrity, and ensuring consumer safety.

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Peru

Name: [REDACTED]

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): [REDACTED]

Position held at the company (only if applicable): [REDACTED]

Years of experience related to the use of trademarks or other IPs [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

We do not use any tools specifically designed to identify trademark counterfeiting in digital environments. Once trademark counterfeiting is detected, we either file a claim with the Trademark Office or collaborate with the Prosecutor in the context of a criminal investigation.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Vehicle parts, clothing, videogames, medicines, toys.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☒ Other (please specify): We are aware of the use of this measures worldwide, however not all of the cited strategies are used in our economy.

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.	X					
Collaboration with e-commerce platforms.					x	
Use of anti-counterfeiting technologies (e.g., blockchain, AI).	X					
Legal action against infringers.						x
Consumer education campaigns.					x	
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

No.

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

[X] No

[] Yes

If yes, please describe how:

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

☐ 2] Rapid evolution of counterfeiting techniques.

☐ 5] Limited resources for enforcement.

☐ 4] Lack of cooperation from online platforms.

☐ 3] Jurisdictional issues in cross-border enforcement.

☐ 1] Difficulty in identifying counterfeiters.

☐ Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

It has become more complicated to identify infringers or prevent recidivism due to fake accounts and misleading information displayed online. Additionally, since products are not visible during purchase and the images shown in online listings are often deceptive, consumers are more likely to detect counterfeiting only after the purchase.

In many cases, online sales are conducted through social e-commerce, which makes it even more difficult to detect the infringer due to the lack of information and payment receipts.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☒ No

☐ Yes

If yes, please specify the type of support and the provider:

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

In 2020, actions were taken under an inter-institutional cooperation agreement between the Trademark Office and Mercado Libre. The Trademark Office identified 113 posts promoting an appellation of origin improperly and 152 posts on Mercado Libre were removed for offering counterfeit electrical products, masks, and toys, violating intellectual property rights and potentially harming consumers. Throughout 2020, 327 digital alerts were issued to trademark holders to address intellectual property infringements.

The agreement was extended into 2021, but the Trademark Office did not publicly disclose the results.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

The cooperation with the online marketplace to detect counterfeited products and to take down the offers from the platform.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☐ No
☒ Yes

If yes, please describe:

The EU has a stronger regulation regarding intermediary liability in trademark infringement, which encourage platforms to collaborate in combating counterfeiting.

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☐ No
☒ Yes

If yes, please describe briefly:

In 2020, actions were taken under an inter-institutional cooperation agreement between the Trademark Office and Mercado Libre. The Trademark Office identified 113 posts promoting an appellation of origin improperly and 152 posts on Mercado Libre were removed for offering counterfeit electrical products, masks, and toys, violating intellectual property rights and potentially harming consumers. Throughout 2020, 327 digital alerts were issued to trademark holders to address intellectual property infringements.

The agreement was extended into 2021, but the Trademark Office did not publicly disclose the results.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) **__X__**; (4) ____; (5) ____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

☐ [1] Financial resources.

☐ [2] Technical training.

☐ [5] Legal assistance.

☐ [3] Improved collaboration with e-commerce platforms.

☐ [4] Enhanced cross-border enforcement mechanisms.

☐ [] Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

In my experience, there has not been an effective long-term measure or one with significant impact. Even though the collaboration between the Trademark Office and Mercado Libre in 2020-2021 yielded some positive results, it did not discourage counterfeiting.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ [X] No

☐ [] Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers			X		
E-commerce platforms			X		
Trademark owners			X		

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

- ☐ 1] Speed of implementation and action.
- ☐ 3] Collaboration with e-commerce platforms and online marketplaces.
- ☐ 2] Technological sophistication of the measure.
- ☐ 4] Legal backing and enforceability.
- ☐] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

No _____

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) **X**; (5) _____ **Very important**

Please, briefly explain:

The lack of liability for e-commerce platforms or online marketplaces in trademark infringements results in a lack of interest on the part of platform owners in combating counterfeiting.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

- ☒ No
- ☐ Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

We can only support our efforts in Andean Decision N° 486 and Legislative Decree N° 1075. It is also possible to combat counterfeiting through our Criminal Code; however, the resolution timeframe makes this alternative quite ineffective.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[3] Increased penalties for online counterfeiters.

[1] Greater responsibility for e-commerce platforms.

[5] Improved cross-border enforcement mechanisms.

[2] Faster takedown procedures for infringing content.

[4] Enhanced data sharing between enforcement agencies.

[] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

[X] No

[] Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) **X**; (5) _____ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
INDECOPI	In Peru, INDECOPI is the entity responsible for sanctioning the unauthorized use of distinctive signs. Upon detecting counterfeiting through a claim, it has the authority to order the cessation of use, impose fines, and even suspend a domain name that incorporates a trademark.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Review of published regulations, cases of interest, and news updates from the Trademark Office, intellectual property associations, and other information sources.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe:

Blockchain. The use of blockchain technology will ensure product authenticity and traceability. This type of technology will reduce the time to detect counterfeited products.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

- ☐ 3 Strengthen collaboration between trademark owners and e-commerce platforms.
☐ 1 Implement more sophisticated AI and machine learning tools for detection.
☐ 4 Enhance cross-border enforcement mechanisms.
☐ 5 Increase penalties for online counterfeiters.
☐ 2 Improve consumer education about counterfeiting risks.
☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Creating a channel for consumers to report suspected counterfeit products, allowing them to benefit from a percentage of the fine if their report leads to a substantiated claim by the Trademark Office.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?
(*Rank from 1 to 5, with 1 being the most significant impact*)

- ☐ 3 Increased consumer confidence in authentic products online
☐ 4 Reduced the prevalence of counterfeit goods in e-commerce platforms
☐ 1 Improved the overall reputation of online marketplaces
☐ 2 Enhanced brand value and recognition in the digital space
☐ 5 Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.					x

Development of a unified database of authentic trademarks.		x			
Creation of a digital trust score for online sellers based on their IP compliance history.					x
Establishment of fast-track digital customs clearance for trusted brands.				x	
Integration of AI-powered chatbots to help consumers verify product authenticity.		x			
Implementation of QR code scanning for real-time trademark verification.					x
Development of a decentralized platform for peer-to-peer authentic product trading.					x
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?
Yes

9.7. Are there any other measures you believe could increase confidence in digital trade?

No

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Liability of platforms, technologies to combat counterfeiting, software for brand protection.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[X] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

The implementation of blockchain technology to combat counterfeiting can be expensive. Therefore, it is less likely for businesses to adopt this technology across all sectors to ensure traceability. To effectively combat counterfeiting in the digital environment, the support of platforms is essential, but, without legislative frameworks that create incentives for platforms to collaborate, these strategies may prove inefficient. For this reason, it is necessary to reconsider the inclusion of joint liability in our economy to encourage platforms to increase their efforts in detecting counterfeit products.

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Peru

Name [REDACTED]

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): _____

Position held at the company (only if applicable): _____

Years of experience related to the use of trademarks or other IPs: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

We are aware that there are softwares of watching services for trade marks that consists of constantly monitoring and watching that there is no attempt of registration that could damage the intellectual property rights of our clients. There are also platforms that offers brands advanced protection by harnessing the power of artificial intelligence, machine learning, and skilled analysts to identify risks and provide actionable insights.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Clothing and electronic devices.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☐ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☐ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						X
Collaboration with e-commerce platforms.					X	
Use of anti-counterfeiting technologies (e.g., blockchain, AI).						X
Legal action against infringers.						X
Consumer education campaigns.					X	
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

[] No
[X] Yes

If yes, please describe how:

Online brand monitoring and legal action against infringers.

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (Rank from 1-5, with 1 being the most significant challenge)

- ☒ Rapid evolution of counterfeiting techniques.
☐ Limited resources for enforcement.
☐ Lack of cooperation from online platforms.
☐ Jurisdictional issues in cross-border enforcement.
☐ Difficulty in identifying counterfeiters.
☐ Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

In some way it has worsened the situation of trademark counterfeiting because the market place does not have accountability regarding the originality of the products it offers for sale. For example, we had an issue with the market place of Saga Falabella since they allowed companies to sell products that infringe our client's intellectual property rights and when we asked them to withdraw the sale of the infringing product, they refused, stating that they are just a market place, and that any issue regarding the originality of the products must be talked directly with the seller.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

- ☒ No
☐ Yes

If yes, please specify the type of support and the provider:

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

The Peruvian Trade Mark Office's (Indecopi) efforts in combating online counterfeit sales such as: Collaboration with E-Commerce Platforms, Development of the "Observatory Against Piracy and Counterfeiting", Intellectual Property Educational Campaigns and Enhanced Legal Framework. These measures have significantly reduced the visibility and sale of counterfeit goods on major online platforms.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

The key factors would be strong collaboration with e-commerce platforms to implement swift takedown procedures for counterfeit goods, proactive use of technology, strategic legal cases setting precedents and ongoing improvement and adaptation.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☒ No
☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☒ No
☐ Yes

If yes, please describe briefly:

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ____; (5) ____ **Excellent**

☒ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

[5] Financial resources.
[1] Technical training.
[4] Legal assistance.
[3] Improved collaboration with e-commerce platforms.
[2] Enhanced cross-border enforcement mechanisms.
[] Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

The most effective enforcement measures in reducing trademark counterfeiting in the digital environment include a combination of technological, legal, and cooperative strategies, the collaboration between e-commerce platforms and trademark owners, digital anti-counterfeiting technologies and legal reforms targeting digital counterfeiting are the most relevant.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No
☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers					
E-commerce platforms					
Trademark owners		X			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

[2] Speed of implementation and action.

[4] Collaboration with e-commerce platforms and online marketplaces.

[3] Technological sophistication of the measure.

[1] Legal backing and enforceability.

[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

As representative of a trademark owner such measures has enabled us to enhanced brand awareness and loyalty and has also made possible to give rise to new businesses specializing in multi class trade marks, encouraging technological innovation and fostering industry collaboration.

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) **X** **Very important**

Please, briefly explain:

It is highly important for effectively combating trademark counterfeiting in the digital environment. Strong, well-crafted legal frameworks provide the foundation for enforcement, ensure accountability, and protect the rights of both businesses and consumers.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☒ No
☐ Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

Regulations like ACTA and TRIPS have strengthened global IP enforcement, and of course the Andean Community Decision 486, which is the Industrial Property Law applicable individually in the four Andean Community economies.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

- [1] Increased penalties for online counterfeiters.
- [2] Greater responsibility for e-commerce platforms.
- [4] Improved cross-border enforcement mechanisms.
- [3] Faster takedown procedures for infringing content.
- [5] Enhanced data sharing between enforcement agencies.
- [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

☒ No
☐ Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) X **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
National Institute for the Defense of Competition and Protection of Intellectual Property - INDECOPI	INDECOPI is essential in Peru's fight against digital counterfeiting, ensuring the enforcement of trademark laws, collaborating with stakeholders, and helping maintain a fair marketplace for both businesses and consumers

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Regularly check "El Peruano" in which the laws are published daily, check on updates from domestic IP offices, such as INDECOPI (Peru) or the USPTO, WIPO, EUIPO, and being part of organizations like INTA, AIPLA, APPI and ASSIPI.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

☐ No
☒ Yes

If yes, please describe:

Blockchain, AI, RFID/NFC tagging, and big data analytics are proving to be powerful tools in the fight against digital trademark counterfeiting.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? *(Rank from 1 to 5, with 1 being the most important)*

[2] Strengthen collaboration between trademark owners and e-commerce platforms.

[3] Implement more sophisticated AI and machine learning tools for detection.

[5] Enhance cross-border enforcement mechanisms.

[1] Increase penalties for online counterfeiters.

[4] Improve consumer education about counterfeiting risks.

[] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Some forward-looking technologies and strategies that could be adopted to improve anti-counterfeiting efforts could be decentralized identity (did) and self-sovereign identity (SSI) for brand and seller authentication, AI-powered visual search for counterfeit detection and dynamic tokenization of products via blockchain.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(Rank from 1 to 5, with 1 being the most significant impact)

[2] Increased consumer confidence in authentic products online

[3] Reduced the prevalence of counterfeit goods in e-commerce platforms

[5] Improved the overall reputation of online marketplaces

[4] Enhanced brand value and recognition in the digital space

[1] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.					X
Development of a unified database of authentic trademarks.					X
Creation of a digital trust score for online sellers based on their IP compliance history.				X	
Establishment of fast-track digital customs clearance for trusted brands.				X	

Integration of AI-powered chatbots to help consumers verify product authenticity.			X		
Implementation of QR code scanning for real-time trademark verification.				X	
Development of a decentralized platform for peer-to-peer authentic product trading.				X	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes because the consumers are on the front lines of encountering counterfeit goods, especially in the digital marketplace, and their insights can provide valuable information for refining IP protection measures.

9.7. Are there any other measures you believe could increase confidence in digital trade?

Strengthened international cooperation and harmonization of ip laws, certification programs and digital trust seals for e-commerce platforms, mandatory transparency and reporting requirements for e-commerce platforms and consumer education and awareness campaigns

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Legal framework for digital ip enforcement, best practices for digital enforcement by e-commerce platforms, consumer protection and education, regulatory developments in digital ip enforcement and dispute resolution mechanisms.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[x] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

Promoting consumer vigilance and engagement, strengthening legal and regulatory frameworks, utilizing blockchain for enhanced verification and investing in research and development, especially in developing economies such as Peru.

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Peru

Name: XXXXXXXXXX

Are you primarily:

- ☒ Trademark owner
- ☐ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): XXXXXXXXXX

Position held at the company (only if applicable): XXXXXXXXXX

Years of experience related to the use of trademarks or other IPs: XXXXXXXXXX

Email: XXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Trademark monitoring on digital platforms

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☒ Legal Advisors.
☒ Industry Associations.
☐ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

They use our brand to offer software that we have not developed.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☐ Collaboration with e-commerce platforms.
☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☐ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						X
Collaboration with e-commerce platforms.	X					

Use of anti-counterfeiting technologies (e.g., blockchain, AI).	X					
Legal action against infringers.						X
Consumer education campaigns.	X					
Others (please specify):	X					

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☒ No

☐ Yes

If yes, please describe how:

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

☐ 4] Rapid evolution of counterfeiting techniques.

☐ 3] Limited resources for enforcement.

☐ 4] Lack of cooperation from online platforms.

☐ 4] Jurisdictional issues in cross-border enforcement.

☐ 5] Difficulty in identifying counterfeiters.

☐ Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

The growth of e-commerce is not the problem. Behind the growth of the digital economy, therefore a greater number of people using digital platforms, statistically there will be more cases.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☐ No
☒ Yes

If yes, please specify the type of support and the provider:

Legal

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☐ No
☒ Yes

If yes, please describe:

Active dialogue with digital platforms (both ecommerce and digital content)

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☒ No
☐ Yes

If yes, please describe briefly:

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ____; (5) ____ **Excellent**

☒ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☐ 3 Financial resources.
☐ 3 Technical training.
☐ 5 Legal assistance.
☐ 4 Improved collaboration with e-commerce platforms.
☐ 4 Enhanced cross-border enforcement mechanisms.
☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

7.2. Are there any measures you have found to be ineffective or counterproductive?

- ☐ No
☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers					
E-commerce platforms					
Trademark owners					

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

- [3] Speed of implementation and action.
[5] Collaboration with e-commerce platforms and online marketplaces.
[3] Technological sophistication of the measure.
[4] Legal backing and enforceability.
[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) **X**; (5) ____ **Very important**

Please, briefly explain:

The problem is not regulatory to combat the misuse of brands, the problem is regulatory compliance

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

- ☐ No
☒ Yes

If yes, please describe:

The lack of international cooperation, given that the Internet is cross-border, creates problems when pursuing those behind the damage to brands.

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

.-----

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

- [3] Increased penalties for online counterfeiters.
[3] Greater responsibility for e-commerce platforms.
[5] Improved cross-border enforcement mechanisms.
[4] Faster takedown procedures for infringing content.
[4] Enhanced data sharing between enforcement agencies.
[] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- ☒ No
☐ Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) **X**____; (5) _____ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
Indecopi	■■■■■ Authority for Trademarks

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Public information.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

☒ No

☐ Yes

If yes, please describe:

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

☐ 4 Strengthen collaboration between trademark owners and e-commerce platforms.

☐ 4 Implement more sophisticated AI and machine learning tools for detection.

☐ 5 Enhance cross-border enforcement mechanisms.

☐ 3 Increase penalties for online counterfeiters.

☐ 3 Improve consumer education about counterfeiting risks.

☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Although network monitoring can help, in reality the best way to combat the misuse of brands in digital environments is adequate digital education.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

- [4] Increased consumer confidence in authentic products online
- [3] Reduced the prevalence of counterfeit goods in e-commerce platforms
- [4] Improved the overall reputation of online marketplaces
- [4] Enhanced brand value and recognition in the digital space
- [4] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.	x				
Development of a unified database of authentic trademarks.				x	
Creation of a digital trust score for online sellers based on their IP compliance history.				x	
Establishment of fast-track digital customs clearance for trusted brands.				x	
Integration of AI-powered chatbots to help consumers verify product authenticity.				x	
Implementation of QR code scanning for real-time trademark verification.				x	
Development of a decentralized platform for peer-to-peer authentic product trading.			x		
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes

9.7. Are there any other measures you believe could increase confidence in digital trade?

....

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Cross-border cooperation.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Peru

Name: XXXXXXXXXX

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): XXXXXXXXXX

Position held at the company (only if applicable):

XXXXXXXXXX

Years of experience related to the use of trademarks or other IPs:

XXXXXXXXXX

Email:

XXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Yes, we are aware of such mechanisms to fight trademark counterfeiting.

Although we mostly rely on collaboration with online platforms (through INDECOPI with Mercado Libre as reference) and other tools such as takedown notices before other online platforms and educational campaigns; we also know other mechanisms being implemented and used such automated monitoring software that scans online platforms for example, some of which could benefit from the use of AI and bigdata.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☒ Legal Advisors.
☒ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Apparel in general, entertainment products such toys, electronic appliances and devices using unauthorized software using also registered trademarks.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☒ Other (please specify): Authorities educational campaigns (trainings).

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
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Online brand monitoring.					x	
Collaboration with e-commerce platforms.						x
Use of anti-counterfeiting technologies (e.g., blockchain, AI).					x	
Legal action against infringers.				x		
Consumer education campaigns.				x		
Others (please specify): Authorities' education campaigns				x		

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☐ No

☒ Yes

If yes, please describe how:

Indecopi often performs a monitoring of Mercado Libre platform and other marketplaces in search of potential counterfeit products which lead us, as brand protection counselors, to identify potential infringers and initiate more complex actions if needed.

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

[3] Rapid evolution of counterfeiting techniques.

[2] Limited resources for enforcement.

[5] Lack of cooperation from online platforms.

[4] Jurisdictional issues in cross-border enforcement.

[1] Difficulty in identifying counterfeiters.

[] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

E-commerce has impacted our experience with trademark counterfeiting mainly due to the increase of incidents related to the used of online platforms, which comes with their challenges (collaboration with the entities behind those platforms' administration and the identification of the users engaging in the infringing activity).

Unfortunately, this increase has caused the incidents to be more complex as it is usually difficult to track down the source of the counterfeits and, most importantly, to overcome the anonymity barrier that online platforms provide to the users.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

[] No

[X] Yes

If yes, please specify the type of support and the provider:

Government: Through the offering of forums to arrange educational campaigns.

Specialized entities: That encourage the participation of private sector through the signature of memorandums of understanding.

Legal: The existence of a legal framework sufficiently flexible to cover the possibility of tackling incidents involving e-commerce.

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

- ☒ No
☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☐ No
☒ Yes

If yes, please describe briefly:

Indecopi currently has an active cooperation agreement with MercadoLibre that allows it to identify users commercializing counterfeits and provides information to IP and trademark owners.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) **x** (4) ____; (5) ____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☐ Financial resources.
☒ Technical training.
☒ Legal assistance.
☒ Improved collaboration with e-commerce platforms.
☐ Enhanced cross-border enforcement mechanisms.
☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No
☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		x			
E-commerce platforms		x			
Trademark owners					

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

[1] Speed of implementation and action.
[2] Collaboration with e-commerce platforms and online marketplaces.
[3] Technological sophistication of the measure.
[4] Legal backing and enforceability.
☐ Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) **x**; (4) _____; (5) _____ **Very important**

Please, briefly explain:

We consider that there are certain limitations in the legal framework since there are not express provisions that guarantee that certain actions can be enforced through the existing legislation; for example, although the Peruvian legislation is broad in terms of the actions that the authority can do to enforce trademark rights before, e.g., online marketplaces, there is not enough caselaw yet and sometimes the particular specialist analyzing specific matters does not agree with the trademark owner's stance and simply rejects certain requests.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☐ No
☒ Yes

If yes, please describe:

As mentioned above, although the legislation is broad in the measures that authority could potentially dictate, the authority is not that willing to proceed in that way. For example, the authority could request certain information to identify certain users in marketplaces, however, the authority could deny said request stating that is not expressly foresaw or

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[3] Increased penalties for online counterfeiters.
[1] Greater responsibility for e-commerce platforms.
[5] Improved cross-border enforcement mechanisms.
[4] Faster takedown procedures for infringing content.
[2] Enhanced data sharing between enforcement agencies.
[] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

☒ No
☐ Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) **x Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI)	Specialized entity in charge of the registration of IP rights and sanctioning all infringing activity related to the unauthorized use of said rights.
Commission for the Fight against Customs Crimes and Piracy in Peru	The commission is in charge of coordinating and executing actions to prevent, detect and combat crimes related to smuggling, piracy and other Customs violations.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Legal bulletins and shared information from other practitioners and trademark owners from abroad.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

☐ No
☒ Yes

If yes, please describe:

Use of AI based on information in bigdata systems specialized in monitoring platforms in search of potential infringing use of trademarks or confusingly similar trademarks.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

- [1] Strengthen collaboration between trademark owners and e-commerce platforms.
- [2] Implement more sophisticated AI and machine learning tools for detection.
- [5] Enhance cross-border enforcement mechanisms.
- [4] Increase penalties for online counterfeiters.
- [3] Improve consumer education about counterfeiting risks.
- [] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Artificial intelligence.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?
(Rank from 1 to 5, with 1 being the most significant impact)

- [1] Increased consumer confidence in authentic products online
- [3] Reduced the prevalence of counterfeit goods in e-commerce platforms
- [2] Improved the overall reputation of online marketplaces
- [4] Enhanced brand value and recognition in the digital space
- [5] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.					x
Development of a unified database of authentic trademarks.					x
Creation of a digital trust score for online sellers based on their IP compliance history.					x
Establishment of fast-track digital customs clearance for trusted brands.				x	
Integration of AI-powered chatbots to help consumers verify product authenticity.					x
Implementation of QR code scanning for real-time trademark verification.					x
Development of a decentralized platform for peer-to-peer authentic product trading.					x
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes, as it allows us to open another source of information from the consumers themselves based on their own direct experience. Additionally, it is helpful for brand owners as it develops the brand trust and engagement.

Having the consumer involved also allows for a better understanding of the behavior that way brand owner could develop more fitting strategies such education campaigns based on the sector to which they belong.

9.7. Are there any other measures you believe could increase confidence in digital trade?

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Use of fake domain names, strategies used in social networks to identify counterfeits (such the use of conventional known hashtags) and facilitators such domain name providers and marketplace's entities.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Peru

Name: XXXXXXXXXX

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (*only if applicable*): _____

Position held at the company (*only if applicable*): XXXXXXXXXX

Years of experience related to the use of trademarks or other IPs: XXXXXXXXXX

Email: XXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Digital monitoring services

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

☒ Online Resources.

☐ Legal Advisors.

☒ Industry Associations.

☒ Government Agencies.

☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Clothing.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

☒ Online brand monitoring.

☒ Collaboration with e-commerce platforms.

☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).

☒ Legal action against infringers.

☒ Consumer education campaigns.

☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						x
Collaboration with e-commerce platforms.						x
Use of anti-counterfeiting technologies (e.g.,				x		

blockchain, AI).						
Legal action against infringers.						x
Consumer education campaigns.					x	
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

- ☐ No
☒ Yes

If yes, please describe how:

By avoiding third-party uses with no commercialization licence.

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

- ☒ Rapid evolution of counterfeiting techniques.
☐ Limited resources for enforcement.
☐ Lack of cooperation from online platforms.
☒ Jurisdictional issues in cross-border enforcement.
☐ Difficulty in identifying counterfeiters.
☐ Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

It became more difficult to prosecute every important counterfeiting for the trademark owners, so, there is a need to prioritize the most painful ones over to prosecute all of them.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

- ☐ No
☒ Yes

If yes, please specify the type of support and the provider:

Support from online marketplaces and OTT: Mercado Libre, high music content distributors (Spotify, YouTube, Amazon Music., etc.).

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

- ☐ No
☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☐ No
☒ Yes

If yes, please describe briefly:

There is a education collaborations between the Peruvian Trademark Office and Mercado Libre over trademark use.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) **X**; (5) ____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

X Financial resources.

X Technical training.

X Legal assistance.

☐ Improved collaboration with e-commerce platforms.

X Enhanced cross-border enforcement mechanisms.

☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

The dispute tools from the e-commerce, online marketplaces and OTT.

7.2. Are there any measures you have found to be ineffective or counterproductive?

X No

☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		x			
E-commerce platforms	x				
Trademark owners	x				

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

- [4] Speed of implementation and action.
 [2] Collaboration with e-commerce platforms and online marketplaces.
 [1] Technological sophistication of the measure.
 [3] Legal backing and enforceability.
 [] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) **X**; (4) ____; (5) ____ **Very important**

Please, briefly explain:

There is a need to constantly be updated in regards of the new technologies and the preference of its using by local consumers.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

- [] No
 [x] Yes

If yes, please describe:

There is no enough knowledge of how the OTT works and counterfeiting affects not just the end-

consumer but the IP right owners.

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

5] Increased penalties for online counterfeiters.

3] Greater responsibility for e-commerce platforms.

2] Improved cross-border enforcement mechanisms.

1 Faster takedown procedures for infringing content.

4] Enhanced data sharing between enforcement agencies.

[] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

x No

[] Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) x ***Very important***

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
Peruvian Trademark Office	

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

☐ No
☒ Yes

If yes, please describe:

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

2 Strengthen collaboration between trademark owners and e-commerce platforms.

3 Implement more sophisticated AI and machine learning tools for detection.

1 Enhance cross-border enforcement mechanisms.

5 Increase penalties for online counterfeiters.

4 Improve consumer education about counterfeiting risks.

☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Fast-track tools to detect and block trademark counterfeiting in platforms, online marketplaces and OTT.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

4 Increased consumer confidence in authentic products online

3 Reduced the prevalence of counterfeit goods in e-commerce platforms

2 Improved the overall reputation of online marketplaces

1 Enhanced brand value and recognition in the digital space

5 Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.					X

Development of a unified database of authentic trademarks.					X
Creation of a digital trust score for online sellers based on their IP compliance history.					X
Establishment of fast-track digital customs clearance for trusted brands.					X
Integration of AI-powered chatbots to help consumers verify product authenticity.			x		
Implementation of QR code scanning for real-time trademark verification.					x
Development of a decentralized platform for peer-to-peer authentic product trading.					x
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Absolutely

9.7. Are there any other measures you believe could increase confidence in digital trade?

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Copyright enforcement on the digital environment.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No

x Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Perú

Name: XXXXXXXXXX

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☒ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): XXXXXXXXXX

Position held at the company (only if applicable): XXXXXXXXXX

Years of experience related to the use of trademarks or other IPs: XXXXXXXXXX

Email: XXXXXXXXXX / XXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

The Trademark Office always carries out an awareness campaign to avoid buying counterfeit products. In addition, it also carries out surveillance especially with copyrights, initiating ex officio actions.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☐ Government Agencies.
☒ Others (please specify): **All of the above options.**

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

I consider clothing, fashion accessories and toys to be the most counterfeited products.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.				X		
Collaboration with e-commerce platforms.					X	

Use of anti-counterfeiting technologies (e.g., blockchain, AI).				X		
Legal action against infringers.					X	
Consumer education campaigns.				X		
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

Companies hire the services of specialists to monitor their IP rights and prevent products from remaining on the market.

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☐ No

☒ Yes

If yes, please describe how:

As a consumer, I am familiar with the take down actions, which helps me to avoid counterfeit products.

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

[1] Rapid evolution of counterfeiting techniques.

[2] Limited resources for enforcement.

[4] Lack of cooperation from online platforms.

[5] Jurisdictional issues in cross-border enforcement.

[3] Difficulty in identifying counterfeiters.

☐ Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

E-commerce emerged as a necessity at the time of COVID19, and it was when it boomed and has not stopped until now, in our economy. Even so, the infringers also left the physical marketplaces and moved to the digital ones. E-commerce has increased the number of counterfeits.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing

anti-counterfeiting measures in the digital environment?

☐ No

☒ Yes

If yes, please specify the type of support and the provider:

I would say that one of the ways of support are those provided by digital platforms, which make available to users or rights holders tools to prevent the continued sale of counterfeit products on the market.

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

I would say that for Peru it is the agreement with Mercado Libre, which has made it possible to remove several users who were selling counterfeit products.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

The signing of a macro agreement allows for agility in times when every minute is a sale.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☐ No

☒ Yes

If yes, please describe:

In Malaysia, the IP crime police can trace the IP address and identify the offender with an email address. Here, the police do not have the same speed and technological know-how.

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☐ No

☒ Yes

If yes, please describe briefly:

The agreement with Mercado Libre, which is a famous platform for e-commerce.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) **X**; (4) ____; (5) ____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

[1] Financial resources.

[2] Technical training.

[3] Legal assistance.

[4] Improved collaboration with e-commerce platforms.

[5] Enhanced cross-border enforcement mechanisms.

☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

The infringement complaint authorities are experienced and can, in conjunction with private initiatives, effectively seize products to prevent them from entering or remaining on the market.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No

☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		X			
E-commerce platforms		X			

Trademark owners		X			
------------------	--	---	--	--	--

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

[1] Speed of implementation and action.

[4] Collaboration with e-commerce platforms and online marketplaces.

[3] Technological sophistication of the measure.

[2] Legal backing and enforceability.

[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

The fact that the platforms themselves have their own complaint mechanisms allows the consumer to feel safer, and as a trademark representative, it helps you to speed up the eventual processes against the offender.

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) **X**; (3) ____; (4) ____; (5) ____ **Very important**

Please, briefly explain:

Peru is governed by the Andean Community regulations, Decision 486, which has not been amended as of the digital environment. We apply the standard for these cases, even though they have other particularities and perhaps that is the reason for the lack of agility and success in these processes.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

[] No

[X] Yes

If yes, please describe:

The lack of speed but also the lack of tools to deal with infringers who do not disclose their identity. You cannot file a report if you do not know who you are reporting, and identifying them is complicated.

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

The general rule, Decision 486, is useful in these cases.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

- [3] Increased penalties for online counterfeiters.
 [1] Greater responsibility for e-commerce platforms.
 [4] Improved cross-border enforcement mechanisms.
 [2] Faster takedown procedures for infringing content.
 [5] Enhanced data sharing between enforcement agencies.
 [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [X] No
 [] Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) **X Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
INDECOPI Policía Nacional del Perú Ministerio Público Poder Judicial	The Trademark Office is the most important but not the only authority in the fight against piracy and counterfeiting. Therefore, other authorities are also involved in the process and must be committed to the goal of eradicating these behaviors.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Checking “El Peruano” newspaper in its digital version every day.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- [] No
 [X] Yes

If yes, please describe:

Having artificial intelligence as a tool in surveillance and take downs would be very important.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

- [2] Strengthen collaboration between trademark owners and e-commerce platforms.
- [3] Implement more sophisticated AI and machine learning tools for detection.
- [5] Enhance cross-border enforcement mechanisms.
- [4] Increase penalties for online counterfeiters.
- [1] Improve consumer education about counterfeiting risks.
- [] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

The Trademark Office should sign more agreements with digital platforms, implement surveillance systems with artificial intelligence, develop more and better campaigns to consumers, initiate more ex officio investigations of unauthorized uses, increase penalties to discourage infringers, hire more personnel specialized in litigation, get closer to trademark owners to identify basic commercial information and thus support them in their fight.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?
(*Rank from 1 to 5, with 1 being the most significant impact*)

- [4] Increased consumer confidence in authentic products online
- [5] Reduced the prevalence of counterfeit goods in e-commerce platforms
- [1] Improved the overall reputation of online marketplaces
- [2] Enhanced brand value and recognition in the digital space
- [3] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.			X		
Development of a unified database of authentic trademarks.					X
Creation of a digital trust score for online sellers based on their IP compliance history.					X
Establishment of fast-track digital customs clearance for trusted brands.					X

Integration of AI-powered chatbots to help consumers verify product authenticity.					X
Implementation of QR code scanning for real-time trademark verification.			X		
Development of a decentralized platform for peer-to-peer authentic product trading.			X		
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes, there could be new ideas.

9.7. Are there any other measures you believe could increase confidence in digital trade?

It would be ideal a system of verified digital platforms, to certify that they have clear policies to fight against piracy and counterfeiting.

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Strategies for attacking infringements.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[X] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

It would be good if more IP attorneys and agents participated in seminars and surveys related to this topic. It should be a mandatory participation by at least one representative of the law firm.

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Peru

Name: XXXXXXXXXX

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): XXXXXXXXXX

Position held at the company (only if applicable): XXXXXXXXXX

Years of experience related to the use of trademarks or other IPs: XXXXXXXXXX

Email: XXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

We use a software to detect infringing trademarks that are in the world wide web.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☐ Government Agencies.
☒ Others (please specify): International congresses

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Electronic devices.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						x
Collaboration with e-commerce platforms.				x		
Use of anti-counterfeiting technologies (e.g., blockchain, AI).						
Legal action against						x

infringers.						
Consumer education campaigns.			x			
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

Not that I am aware of.

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☒ No

☐ Yes

If yes, please describe how:

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

☐ [2] Rapid evolution of counterfeiting techniques.

☐ [1] Limited resources for enforcement.

☐ [4] Lack of cooperation from online platforms.

☐ [3] Jurisdictional issues in cross-border enforcement.

☐ [5] Difficulty in identifying counterfeiters.

☐ [] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

We now have more infringement cases.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☐ [] No

☒ Yes

If yes, please specify the type of support and the provider:

Services dedicated to monitor the world wide web in search of infringing marks.

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

Infringement actions are successful. However, the informal economy that reigns in Peru, allows the infringers to infringe again. So infringement actions are constantly filed.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

The rapid action of the trademark agents (Cordova Saiki & Piaggio).

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☒ No

☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☒ No

☐ Yes

If yes, please describe briefly:

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ____; (5) ____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

☒ Financial resources.

☐ Technical training.

☐ Legal assistance.

☐ Improved collaboration with e-commerce platforms.

☒ Enhanced cross-border enforcement mechanisms.

☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Infringement actions.

Please, briefly describe why:

Because the infringing goods can be seized.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☐ No

☒ Yes

If yes, please describe:

Cease and desist notarial letters.

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers			x		
E-commerce platforms			x		
Trademark owners		x			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

[1] Speed of implementation and action.

[4] Collaboration with e-commerce platforms and online marketplaces.

[3] Technological sophistication of the measure.

[2] Legal backing and enforceability.

[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

No.

Please, briefly explain:

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) **x**____; (4) _____; (5) _____ **Very important**

Please, briefly explain:

Authorities must act quick. The regulation is good enough, but authorities are slow.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

[x] No

[] Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

Decision 486, LD 1075 and Law 27444.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

- ☐ 5] Increased penalties for online counterfeiters.
- ☐ 4] Greater responsibility for e-commerce platforms.
- ☐ 2] Improved cross-border enforcement mechanisms.
- ☐ 1] Faster takedown procedures for infringing content.
- ☐ 3] Enhanced data sharing between enforcement agencies.
- ☐] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- ☒ No
- ☐ Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) **x** ____; (4) ____; (5) ____ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
INDECOPI	They are the ones in charge of putting fines, but informal personas never pay fines. The counterfeit products are seized, but most of the time they are seized thanks to the intellectual property agents.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Watching the news, reading diverse magazines on intellectual property and by being member of different IP associations.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- ☒ No

[] Yes

If yes, please describe:

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

[3] Strengthen collaboration between trademark owners and e-commerce platforms.

[2] Implement more sophisticated AI and machine learning tools for detection.

[1] Enhance cross-border enforcement mechanisms.

[5] Increase penalties for online counterfeiters.

[4] Improve consumer education about counterfeiting risks.

[] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

AI tools for rapid detection and authorities willing to do their job.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

[4] Increased consumer confidence in authentic products online

[2] Reduced the prevalence of counterfeit goods in e-commerce platforms

[3] Improved the overall reputation of online marketplaces

[1] Enhanced brand value and recognition in the digital space

[5] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.			x		
Development of a unified database of authentic trademarks.					x
Creation of a digital trust score for online sellers based on their IP compliance history.					x
Establishment of fast-track digital customs clearance for trusted brands.					x

Integration of AI-powered chatbots to help consumers verify product authenticity.				x	
Implementation of QR code scanning for real-time trademark verification.				x	
Development of a decentralized platform for peer-to-peer authentic product trading.				x	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes.

9.7. Are there any other measures you believe could increase confidence in digital trade?

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Real live cases.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No

[x] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

Survey for Research and Data Collection: Please completed and send it back no later than 27 August 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name: [REDACTED]

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): [REDACTED]

Position held at the company (only if applicable): [REDACTED]

Years of experience related to the use of trademarks or other IPs: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

I have heard of anti-counterfeiting protocols /remedies used in online marketplaces

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☒ Others (please specify): seminars
-

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

counterfeit slippers

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☐ Other (please specify): _____
-

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.				X		
Collaboration with e-commerce platforms.					X	
Use of anti-counterfeiting technologies (e.g., blockchain, AI).	X					
Legal action against infringers.			X			
Consumer education campaigns.			X			
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

N/A

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☐ No

☒ Yes

If yes, please describe how:

we were able to request for information from online marketplaces through

law enforcement agencies

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (Rank from 1-5, with 1 being the most significant challenge)

☒ Rapid evolution of counterfeiting techniques.

☐ Limited resources for enforcement.

☐ Lack of cooperation from online platforms.

☐ Jurisdictional issues in cross-border enforcement.

☒ Difficulty in identifying counterfeiters.

☐ Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

The pros are that the digital ads may serve as evidence of counterfeiting.

The cons are that photos provided may or may not be enough to assess the item.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☐ No

☒ Yes

If yes, please specify the type of support and the provider:

We are aware of enforcement and investigative measures implemented by trademark owners.

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

we were able to request for information from online marketplaces through

law enforcement agencies

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION
██████████	██████████

5.2. What do you consider to be the key factors that made this experience particularly effective?

The cooperation of the online marketplaces was the key factor.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

- ☐ No
☒ Yes

If yes, please describe:

Trademark owners should utilize more the internal anti-counterfeiting measures provided by online marketplaces.

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☐ No
☒ Yes

If yes, please describe briefly:

We have cooperated with law enforcement to tackle counterfeiting in the digital space.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) _____; (2) _____; (3) X _____; (4) _____; (5) _____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☐ Financial resources.
☐ Technical training.
☐ Legal assistance.
☒ Improved collaboration with e-commerce platforms.
☐ Enhanced cross-border enforcement mechanisms.
☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

The availability of the online platform's redress protocols to receive complaints against counterfeits.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☐ No
☒ Yes

If yes, please describe:

Staking out the delivery of counterfeit items sold through online platforms is ineffective as the items go through multiple delivery hubs, without going through the infringer's own address.

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		X			
E-commerce platforms		X			
Trademark owners		X			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

☐ Speed of implementation and action.
☒ Collaboration with e-commerce platforms and online marketplaces.
☐ Technological sophistication of the measure.
☒ Legal backing and enforceability.
☐ Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

N/A

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) _____; (5) X **Very important**

Please, briefly explain:

Law and regulation determine what measures will be allowable and admissible
as evidence.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☐ No
☒ Yes

If yes, please describe:

The lack of vicarious liability on the part of warehouses is a problem.

These are the same warehouses storing counterfeits for online sellers.

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

The new Internet Transactions Act is a promising step in the right direction to
address the complications of e-commerce.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

☐ Increased penalties for online counterfeiters.

- ☒ Greater responsibility for e-commerce platforms.
☐ Improved cross-border enforcement mechanisms.
☒ Faster takedown procedures for infringing content.
☐ Enhanced data sharing between enforcement agencies.
☐ Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- ☐ No
☒ Yes

If yes, please describe your experience:

I recently attended the IPOPHL's Trademark Convention which addressed

 online marketplaces.

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) X **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
DTI and IPOPHL	The DTI and IPOPHL though need laws addressing the situation to be able to regulate the digital environment.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Newsletters, seminars, conferences, etc.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe:

Artificial Intelligence when implemented by online marketplaces properly could provide a monitoring tool against counterfeit items.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? *(Rank from 1 to 5, with 1 being the most important)*

☒ Strengthen collaboration between trademark owners and e-commerce platforms.

☒ Implement more sophisticated AI and machine learning tools for detection.

☐ Enhance cross-border enforcement mechanisms.

☐ Increase penalties for online counterfeiters.

☐ Improve consumer education about counterfeiting risks.

☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Artificial Intelligence when implemented by online marketplaces properly could provide a monitoring tool against counterfeit items.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(Rank from 1 to 5, with 1 being the most significant impact)

☐ Increased consumer confidence in authentic products online

☐ Reduced the prevalence of counterfeit goods in e-commerce platforms

☐ Improved the overall reputation of online marketplaces

☐ Enhanced brand value and recognition in the digital space

☐ Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.			x		
Development of a unified database of authentic trademarks.				x	
Creation of a digital trust score for online sellers based on their IP compliance history.			X		

Establishment of fast-track digital customs clearance for trusted brands.			X		
Integration of AI-powered chatbots to help consumers verify product authenticity.				X	
Implementation of QR code scanning for real-time trademark verification.			X		
Development of a decentralized platform for peer-to-peer authentic product trading.			X		
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes, since the consumers are the ones with real world experiences.

9.7. Are there any other measures you believe could increase confidence in digital trade?

Ease of the redress mechanisms will go a long way in increasing consumer confidence.

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

A topic on the complications of obtaining evidence in the digital environment.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[x] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

N/A

Survey for Research and Data Collection: Please completed and send it back no later than 27 August 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name:

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable):

Position held at the company (only if applicable):

Years of experience related to the use of trademarks or other IPs:

Email:

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Online tracking, partner investigation firms, reporting hotlines, information campaigns for awareness
collaboration with regulatory authorities, online platforms

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): Internal resources

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

cosmetics and food and luxury consumer goods

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☒ Other (please specify): collaboration with regulatory authorities

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.					x	
Collaboration with e-commerce platforms.				x		
Use of anti-counterfeiting technologies (e.g., blockchain, AI).					×	
Legal action against infringers.					X	
Consumer education campaigns.				X		
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

none

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

[] No

[x] Yes

If yes, please describe how:

Yes, takedown of sites selling counterfeits

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

[2] Rapid evolution of counterfeiting techniques.

[4] Limited resources for enforcement.

[3] Lack of cooperation from online platforms.

[5] Jurisdictional issues in cross-border enforcement.

[1] Difficulty in identifying counterfeiters.

[] Other (please specify): same proponents operating multiple or repeat sites. inability to trace main source, supplier

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

Observed substantial increase in counterfeiting.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

[] No

[x] Yes

If yes, please specify the type of support and the provider:

regulatory support & legal remedies, legal remedies

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

reduction of relevant counterfeiting sites

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION
<div></div>	<div></div>

5.2. What do you consider to be the key factors that made this experience particularly effective?

consistency in monitoring and takedown; collaboration with online platform

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☐ No
☒ Yes

If yes, please describe:

online accounts are based on IDs, for accountability, reducing proliferation of dummy accounts

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☐ No
☒ Yes

If yes, please describe briefly:

E-Commerce MOU

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) _____; (2) _____; (3) _____; (4) X _____; (5) _____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

[3] Financial resources.
[1] Technical training.
[2] Legal assistance.
[4] Improved collaboration with e-commerce platforms.
[5] Enhanced cross-border enforcement mechanisms.
[] Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

takedown by online platforms of counterfeiting sites, with accompanying ban vs. perpetrator

7.2. Are there any measures you have found to be ineffective or counterproductive?

[] No
[x] Yes

If yes, please describe:

Currently needs improvement in identifying main supplier/manufacture of counterfeits

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		x			
E-commerce platforms		x			
Trademark owners		x			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

[3] Speed of implementation and action.
[2] Collaboration with e-commerce platforms and online marketplaces.
[4] Technological sophistication of the measure.
[1] Legal backing and enforceability.
[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

still unable to trace main source/s of counterfeits

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) _____; (5) X **Very important**

Please, briefly explain:

counterfeits pose a health risk to the public, and regulation will ensure fair competition for trademark owners

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

[] No
[x] Yes

If yes, please describe:

crime is more easily committed online, but with less repercussions versus brick & mortar

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

consumer act and intellectual property code

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[1] Increased penalties for online counterfeiters.

- [2] Greater responsibility for e-commerce platforms.
 [5] Improved cross-border enforcement mechanisms.
 [4] Faster takedown procedures for infringing content.
 [6] Enhanced data sharing between enforcement agencies.
 [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [] No
 [x] Yes

If yes, please describe your experience:

very helpful in improving collaboration

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) x **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
IPO Philippines	IPOPhil's efforts in driving collaboration, reporting and information awareness has help address counterfeiting in Ph

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Monitoring of IPOPhil's website; information from external legal partners

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- [] No
 [x] Yes

If yes, please describe:

some AI able to identify and takedown counterfeiting sites automatically, and provide data on the same

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

- [2] Strengthen collaboration between trademark owners and e-commerce platforms.
- [4] Implement more sophisticated AI and machine learning tools for detection.
- [3] Enhance cross-border enforcement mechanisms.
- [1] Increase penalties for online counterfeiters.
- [5] Improve consumer education about counterfeiting risks.
- [] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

improved AI, improved border checks on suspect shipments

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?
(*Rank from 1 to 5, with 1 being the most significant impact*)

- [5] Increased consumer confidence in authentic products online
- [1] Reduced the prevalence of counterfeit goods in e-commerce platforms
- [2] Improved the overall reputation of online marketplaces
- [3] Enhanced brand value and recognition in the digital space
- [4] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.					X
Development of a unified database of authentic trademarks.					X
Creation of a digital trust score for online sellers based on their IP compliance history.			X		

Establishment of fast-track digital customs clearance for trusted brands.					X
Integration of AI-powered chatbots to help consumers verify product authenticity.					X
Implementation of QR code scanning for real-time trademark verification.				X	
Development of a decentralized platform for peer-to-peer authentic product trading.				X	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

consumer reporting of infringing activity will be helpful

9.7. Are there any other measures you believe could increase confidence in digital trade?

more consistent treatment across all major online platforms

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

available resources, remedies, and more data on status of counterfeits and enforcement actions

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[x] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

none, thank you

Survey for Research and Data Collection: Please completed and send it back no later than 27 August 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name: [REDACTED]

Are you primarily:

- ☒ Trademark owner
- ☐ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): [REDACTED]

Position held at the company (only if applicable): [REDACTED]

Years of experience related to the use of trademarks or other IPs: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Monitoring the distribution of counterfeit goods and submitting online takedowns on the e-commerce platform

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

☐ Online Resources.

☒ Legal Advisors.

☐ Industry Associations.

☐ Government Agencies.

☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Imitations of corporate logos, imitations of package designs

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

☒ Online brand monitoring.

☒ Collaboration with e-commerce platforms.

☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).

☒ Legal action against infringers.

☒ Consumer education campaigns.

☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						✓
Collaboration with ecommerce platforms.						✓
Use of anticounterfeiting technologies (e.g., blockchain, AI).					✓	
Legal action against infringers.						✓
Consumer education campaigns.					✓	
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

Online brand monitoring

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

[] No

[✓] Yes

If yes, please describe how:

Submitting online takedowns on the e-commerce platform

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

☐ 3] Rapid evolution of counterfeiting techniques.

☐ 2] Limited resources for enforcement.

☐ 5] Lack of cooperation from online platforms.

☐ 4] Jurisdictional issues in cross-border enforcement.

☐ 1] Difficulty in identifying counterfeiters.

☐] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

The same counterfeit brands have started circulating in multiple economies.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☐] No

☒] Yes

If yes, please specify the type of support and the provider:

Legal support from our attorney

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anticounterfeiting measures in the digital environment of your economy?

We do not have any success case yet, since we have just started our anti-counterfeiting activities in the Philippines.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION
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N/A	N/A
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5.2. What do you consider to be the key factors that made this experience particularly effective?

N/A

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☒ No

☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, ecommerce platforms, and/or law enforcement authorities in your economy?

☐ No

☒ Yes

If yes, please describe briefly:

By signing an MOU with the Intellectual Property Office of the Philippines regarding online countermeasures against counterfeit goods, we are able to establish a collaborative relationship with the Intellectual Property Office, brand owners, e-commerce platforms, and others

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ____; (5) ☒ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☐ [4] Financial resources.
- ☐ [5] Technical training.
- ☐ [1] Legal assistance.
- ☐ [3] Improved collaboration with e-commerce platforms.
- ☐ [2] Enhanced cross-border enforcement mechanisms.
- ☐ [] Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

Enforcement Measures: Submitting online takedowns on the e-commerce platform
Reason: Counterfeit items can be removed quickly with a simple procedure.

7.2. Are there any measures you have found to be ineffective or counterproductive?

- ☒ [✓] No
- ☐ [] Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers	✓				
E-commerce platforms	✓				
Trademark owners	✓				

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

☐ [2] Speed of implementation and action.

☐ [1] Collaboration with e-commerce platforms and online marketplaces.

☐ [4] Technological sophistication of the measure.

☐ [3] Legal backing and enforceability.

☐ [] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

Regarding the imitation of package designs, there are some cases where online takedowns on e-commerce platforms are not accepted.

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) _____; (5) ✓ **Very important**

Please, briefly explain:

I believe that crackdowns by authorities are extremely important in eradicating counterfeit goods.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☒ [✓] No

☐ [] Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

We are not sure yet, since we have just started our anti-counterfeiting activities in the Philippines.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

- ☐ [1] Increased penalties for online counterfeiters.
- ☐ [5] Greater responsibility for e-commerce platforms.
- ☐ [3] Improved cross-border enforcement mechanisms.
- ☐ [2] Faster takedown procedures for infringing content.
- ☐ [4] Enhanced data sharing between enforcement agencies.
- ☐ [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- ☐ [] No
- ☒ [✓] Yes

If yes, please describe your experience:

Annual Meeting on the MOU with the Philippines Intellectual Property Office Regarding Online Counterfeit Measures

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) _____; (5) ✓ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
IEO, NCIPR	They are responsible for enforcing the law in cases of imitation.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please describe:

Artificial intelligent

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

☐ 3 Strengthen collaboration between trademark owners and e-commerce platforms.

☐ 4 Implement more sophisticated AI and machine learning tools for detection.

☐ 2 Enhance cross-border enforcement mechanisms.

☐ 1 Increase penalties for online counterfeiters.

☐ 5 Improve consumer education about counterfeiting risks.

☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Detection of counterfeit online listings using artificial intelligence

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

☐ 2 Increased consumer confidence in authentic products online

☐ 1 Reduced the prevalence of counterfeit goods in e-commerce platforms

☐ 3 Improved the overall reputation of online marketplaces

☐ 4 Enhanced brand value and recognition in the digital space

☐ 5 Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.				✓	
Development of a unified database of authentic trademarks.				✓	
Creation of a digital trust score for online sellers based on their IP compliance history.				✓	
Establishment of fast-track digital customs clearance for trusted brands.					✓
Integration of AI-powered chatbots to help consumers verify product authenticity.					✓
Implementation of QR code scanning for real-time trademark verification.					✓
Development of a decentralized platform for peer-to-peer authentic product trading.				✓	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes

9.7. Are there any other measures you believe could increase confidence in digital trade?

N/A

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

The details of the law enforcement system (procedures, etc.)

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

N/A

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APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name: _____

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): _____

Position held at the company (only if applicable): _____

Years of experience related to the use of trademarks or other IPs: _____

Email: _____

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Utilization of IPR Violation Reporting & Request for Take Down Tools provided by e-commerce platforms;; E-Commerce Memorandum of Understanding; use of technology such as the GPSMapCamera App during pre-raid investigations; and use of body worn cameras or alternative recording devices by law enforcers during raid operations.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Fashion accessories and apparels.

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.					✓	
Collaboration with e-commerce platforms.					✓	
Use of anti-counterfeiting technologies (e.g., blockchain, AI).					✓	
Legal action against infringers.						✓
Consumer education campaigns.					✓	
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☐ No
☒ Yes

If yes, please describe how:

Online trademark enforcement activities (especially market surveillances and pre-raid investigations) often yielded to succesful raids and the apprehension and prosecution of counterfeiters.

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (Rank from 1-5, with 1 being the most significant challenge)

[5] Rapid evolution of counterfeiting techniques.

[4] Limited resources for enforcement.

[3] Lack of cooperation from online platforms.

[1] Jurisdictional issues in cross-border enforcement.

[2] Difficulty in identifying counterfeiters.

[] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

The growth of e-commerce has resulted to an increase in counterfeiting activities especially during and after the pandemic. As legitimate brands shifted parts of their operations from physical stores to e-commerce platforms, counterfeiters have also migrated from physical to online operations.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

[] No

[✓] Yes

If yes, please specify the type of support and the provider:

Trainings conducted by the National Committee of Intellectual Property Rights (NCIPR), brand owners and e-commerce platforms to key law enforcers.

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

High impact and successful anti-counterfeiting raids were made because of the collaboration of NCIPR member agencies like the Bureau of Customs and the Philippine National Police and brand owners. Through the effective joint surveillance operations of brand owners and law enforcers, the physical locations of the online infringers were pinned down and enforcement operations were made against them.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION
XXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX

5.2. What do you consider to be the key factors that made this experience particularly effective?

Collaboration and support among brand owners, e-commerce platforms and law enforcement agencies.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

☒ No

☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

☐ No

☒ Yes

If yes, please describe briefly:

E-Commerce Memorandum of Understanding (MOU) among e-commerce platforms, brand owners and industry associations.. The MOU implementation is being supervise by the Intellectual Property Office of the Philippines. This initiative is so far the best anti-counterfeiting practice in the world.

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ____; (5) ☒ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

[1] Financial resources.

[4] Technical training.

[3] Legal assistance.

[2] Improved collaboration with e-commerce platforms.

[5] Enhanced cross-border enforcement mechanisms.

[] Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

So far, the notice and take down tools of e-commerce platforms against infringing accounts and posts in the online market are the most effective enforcement measures available to brand owners. The said tools are cost-effective and practical to use as well.

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No

☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers	✓				
E-commerce platforms	✓				
Trademark owners	✓				

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

☐ 3] Speed of implementation and action.

☐ 1] Collaboration with e-commerce platforms and online marketplaces.

☐ 4] Technological sophistication of the measure.

☐ 2] Legal backing and enforceability.

☐] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

None.

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) _____; (5) ✓ **Very important**

Please, briefly explain:

Some of the most significant anti-trademark counterfeiting regulations enacted/issued by Philippine government authorities, which are timely and relevant with the ever dynamic digital market, include A.M. No. 21-06-08-SC, which requires police operatives to use body-worn cameras or alternative recording devices; CMO No. 37-2021, where the Bureau of Customs requires the use of GPS camera devices during cross-border operations; and CMO No. 33-2021, which requires the use of body-worn cameras or alternative recording devices during customs raids.

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☒ No
☐ Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

A.M. No. 21-06-08-SC, CMO No. 37-2021 and CMO No. 33-2021.

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[5] Increased penalties for online counterfeiters.

- [3] Greater responsibility for e-commerce platforms.
 [1] Improved cross-border enforcement mechanisms.
 [2] Faster takedown procedures for infringing content.
 [4] Enhanced data sharing between enforcement agencies.
 [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [] No
 [✓] Yes

If yes, please describe your experience:

Public consultations and stakeholders dialogues conducted by the NCIPR in order to (a) evaluate existing anti-counterfeiting agreements, policies and regulations and (b) streamline and improve the strategies of the stakeholders.

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) ✓ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
National Committee on Intellectual Property Rights	The inter- government agency which created the bridges of collaboration and support among key government agencies and private stakeholders like brand owners, e-commerce platforms, legal professionals and industry associations.

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

My team and I always coordinate and catch up with key government agencies to get updates about the changes in IP laws, rules and regulations.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- [] No
 [✓] Yes

If yes, please describe:

Artificial Intelligence as a tool for product identification.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

- [2] Strengthen collaboration between trademark owners and e-commerce platforms.
 - [4] Implement more sophisticated AI and machine learning tools for detection.
 - [1] Enhance cross-border enforcement mechanisms.
 - [5] Increase penalties for online counterfeiters.
 - [3] Improve consumer education about counterfeiting risks.
 - [] Others (please specify): _____
-

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Informed and responsible utilization of block chain and AI technologies.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

- [3] Increased consumer confidence in authentic products online
- [1] Reduced the prevalence of counterfeit goods in e-commerce platforms
- [4] Improved the overall reputation of online marketplaces
- [2] Enhanced brand value and recognition in the digital space
- [5] Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.				✓	
Development of a unified database of authentic trademarks.					✓
Creation of a digital trust score for online sellers based on their IP compliance history.				✓	

Establishment of fast-track digital customs clearance for trusted brands.				✓	
Integration of AI-powered chatbots to help consumers verify product authenticity.				✓	
Implementation of QR code scanning for real-time trademark verification.				✓	
Development of a decentralized platform for peer-to-peer authentic product trading.				✓	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes, because it leads to a more efficient consumer engagement and IP education of a brand owner.

9.7. Are there any other measures you believe could increase confidence in digital trade?

Please refer to my answer in Question No. 9.3 (on the use of block chain and AI).

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

I would like to see contents about the success stories of the E-Commerce MOU of the Philippines, which has been considered as a best anti-counterfeiting practice in the world.

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[✓] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

None.

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The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name: [REDACTED]

Are you primarily:

- ☐ Trademark owner
- ☐ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): [REDACTED]

Position held at the company (only if applicable): [REDACTED]

Years of experience related to the use of trademarks or other IPs: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

Regular monitoring on social media and algorithm of my team

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☐ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Ointments

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☐ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.				X		
Collaboration with e-commerce platforms.				X		
Use of anti-counterfeiting technologies (e.g., blockchain, AI).			X			
Legal action against infringers.			X			
Consumer education campaigns.			X			
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

- [] No
[] Yes

If yes, please describe how:

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

☒ Rapid evolution of counterfeiting techniques.

☒ Limited resources for enforcement.

☐ Lack of cooperation from online platforms.

☐ Jurisdictional issues in cross-border enforcement.

☐ Difficulty in identifying counterfeiters.

☐ Other (please specify): Not exactly lack of cooperation but a slow action on infringers

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

The growth of e commerce keeps the counterfeiters on their toes as well that they keep up with the fast rising technology.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

☐ No

☒ Yes

If yes, please specify the type of support and the provider:

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

- ☐ No
☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☒ No
☐ Yes

If yes, please describe briefly:

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) _____; (2) _____; (3) _____; (4) _____; (5) _____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☒ Financial resources.
☒ Technical training.
☒ Legal assistance.
☒ Improved collaboration with e-commerce platforms.
☒ Enhanced cross-border enforcement mechanisms.
☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

Nothing beats regular and constant monitoring from the Trademark owners/representatives

7.2. Are there any measures you have found to be ineffective or counterproductive?

☐ No

☐ Yes

If yes, please describe:

In our experience, engaging the law enforcement agencies have become more counterproductive than helpful.

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers					
E-commerce platforms					
Trademark owners		X			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

☐ 1] Speed of implementation and action.

☐ 1] Collaboration with e-commerce platforms and online marketplaces. ☐ 1] Technological sophistication of the measure.

☐ 1] Legal backing and enforceability.

☐ Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

Request for more expedited action from the e commerce platforms would really help.

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) X **Very important**

Please, briefly explain:

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

[] No
[X] Yes

If yes, please describe:

Legislation of the e commerce platform regulation should be prioritized to improve enforcement challenges

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[] Increased penalties for online counterfeiters.

- [] Greater responsibility for e-commerce platforms.
 [1] Improved cross-border enforcement mechanisms.
 [1] Faster takedown procedures for infringing content.
 [1] Enhanced data sharing between enforcement agencies.
 [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [] No
 [X] Yes

If yes, please describe your experience:

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ____; (3) ____; (4) ____; (5) X **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

I attend seminars/conventions when invited or when I have access to information.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- [] No
 [] Yes

If yes, please describe:

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

[1] Strengthen collaboration between trademark owners and e-commerce platforms.

[1] Implement more sophisticated AI and machine learning tools for detection.

[1] Enhance cross-border enforcement mechanisms.

[1] Increase penalties for online counterfeiters.

[1] Improve consumer education about counterfeiting risks.

[] Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(*Rank from 1 to 5, with 1 being the most significant impact*)

[1] Increased consumer confidence in authentic products online

[1] Reduced the prevalence of counterfeit goods in e-commerce platforms

[2] Improved the overall reputation of online marketplaces

[1] Enhanced brand value and recognition in the digital space

☒ Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.				x	
Development of a unified database of authentic trademarks.					X
Creation of a digital trust score for online sellers based on their IP compliance history.				X	

Establishment of fast-track digital customs clearance for trusted brands.			x		
Integration of AI-powered chatbots to help consumers verify product authenticity.			x		
Implementation of QR code scanning for real-time trademark verification.					X
Development of a decentralized platform for peer-to-peer authentic product trading.				x	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes

9.7. Are there any other measures you believe could increase confidence in digital trade?

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Commitment of law enforcement agencies and not resort to their old bureaucratic ways

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[] No
[X] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

Survey for Research and Data Collection: Please completed and send it back no later than 27 August 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name: ██

Are you primarily:

- ☒ Trademark owner
- ☐ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): ██

Position held at the company (only if applicable): ████████████████████

Years of experience related to the use of trademarks or other IPs ████████████████

Email: ██

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

employed skilled personnel to regularly check various e-commerce platforms for counterfeit,
utilizing the portals provided by Shopee, Lazada, and Tiktok.

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☐ Legal Advisors.
☐ Industry Associations.
☐ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

fake aneroids and stethoscopes made with cheap materials

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☐ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☐ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.						✓
Collaboration with e-commerce platforms.					✓	
Use of anti-counterfeiting technologies (e.g., blockchain, AI).						
Legal action against infringers.		✓				
Consumer education campaigns.						
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

N/A

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

☐ No
☒ Yes

If yes, please describe how:

Less counterfeit products in the market consequently increases sales

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (*Rank from 1-5, with 1 being the most significant challenge*)

[5] Rapid evolution of counterfeiting techniques.

[1] Limited resources for enforcement.

[4] Lack of cooperation from online platforms.

[3] Jurisdictional issues in cross-border enforcement.

[2] Difficulty in identifying counterfeiters.

[] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

The continuous growth of e-commerce has caused an upsurge in counterfeit products; however, it has also widened our companies knowledge regarding this and possible strategies to counter them

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

[✓] No

[] Yes

If yes, please specify the type of support and the provider:

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION

5.2. What do you consider to be the key factors that made this experience particularly effective?

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

- ☒ No
☐ Yes

If yes, please describe:

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☐ No
☒ Yes

If yes, please describe briefly:

The current cooperation with e-commerce platforms wherein they made portals to check and maintain counterfeit products has been a very effective strategy

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ____; (4) ____; (5) ☒ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☐ 1] Financial resources.
☐ 4] Technical training.
☐ 2] Legal assistance.
☐ 3] Improved collaboration with e-commerce platforms.
☐ 5] Enhanced cross-border enforcement mechanisms.
☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why.

Manually checking might be the most inefficient but is highly effective in ensuring that
all counterfeit products will be accounted for

7.2. Are there any measures you have found to be ineffective or counterproductive?

☒ No
☐ Yes

If yes, please describe:

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		✓			
E-commerce platforms		✓			
Trademark owners		✓			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

- [1] Speed of implementation and action.
[2] Collaboration with e-commerce platforms and online marketplaces.
[4] Technological sophistication of the measure.
[3] Legal backing and enforceability.
[] Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

Whilst there are no drawbacks, it seems as though the number of counterfeit products
still keep increasing

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) _____; (4) _____; (5) 5 **Very important**

Please, briefly explain:

It would greatly benefit both sellers and buyers of various products

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☒ No
☐ Yes

If yes, please describe:

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

Collaboration with e-commerce platforms

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[3] Increased penalties for online counterfeiters.

- [1] Greater responsibility for e-commerce platforms.
 [5] Improved cross-border enforcement mechanisms.
 [2] Faster takedown procedures for infringing content.
 [4] Enhanced data sharing between enforcement agencies.
 [] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

- [] No
 [✓] Yes

If yes, please describe your experience:

Became more aware of the current situations regarding counterfeit products in the market
 and possible ways to fight against them

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) 1; (2) ____; (3) ____; (4) ____; (5) ____ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

News

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

- [✓] No
 [] Yes

If yes, please describe:

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

- [2] Strengthen collaboration between trademark owners and e-commerce platforms.
 [5] Implement more sophisticated AI and machine learning tools for detection.
 [4] Enhance cross-border enforcement mechanisms.
 [1] Increase penalties for online counterfeiters.
 [3] Improve consumer education about counterfeiting risks.
 [] Others (please specify): _____
-

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

Easier ways to track counterfeit products

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?
 (*Rank from 1 to 5, with 1 being the most significant impact*)

- [3] Increased consumer confidence in authentic products online
 [1] Reduced the prevalence of counterfeit goods in e-commerce platforms
 [4] Improved the overall reputation of online marketplaces
 [2] Enhanced brand value and recognition in the digital space
 [5] Encouraged fair competition among businesses in the digital market
 ✓

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(*Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree*)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.	✓				
Development of a unified database of authentic trademarks.					✓
Creation of a digital trust score for online sellers based on their IP compliance history.				✓	

Establishment of fast-track digital customs clearance for trusted brands.			✓		
Integration of AI-powered chatbots to help consumers verify product authenticity.			✓		
Implementation of QR code scanning for real-time trademark verification.				✓	
Development of a decentralized platform for peer-to-peer authentic product trading.			✓		
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes

9.7. Are there any other measures you believe could increase confidence in digital trade?

N/A

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

More preventive measures

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[✓] No
[] Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

N/A

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP OWNERS AND CONSUMERS

This survey is part of APEC's Project IPEG 201_2023A: "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather insights from trademark right owners and e-commerce consumers who have benefited from IP measures, strategies, policies, or activities designed to combat trademark counterfeiting in the digital environment.

The goal is to understand their perspectives on the implementation, effectiveness, and potential improvements of these measures, ultimately strengthening the digital enforcement system for protecting trademark rights in e-commerce and increasing confidence in digital trade across the region.

Your answers will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to gather information on best practices and successful experiences, which will also be incorporated into the guidelines as reference points in order to improve the trademark protection strategies across APEC economies.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Chinese Taipei

Name: [REDACTED]

Are you primarily:

- ☐ Trademark owner
- ☒ Representative of the trademark owner
- ☐ E-commerce consumer
- ☐ Both

Name of the represented company (only if applicable): N/A

Position held at the company (only if applicable): N/A

Years of experience related to the use of trademarks or other IPs: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. Awareness and Engagement

1.1. Are you aware of, or currently using any tools, measures or strategies designed to identify and combat the trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please describe briefly such tools, measures or strategies:

The Recommendation of the European Commission

1.2. How did you become aware of IP enforcement measures against trademark counterfeiting in the digital environment?

- ☒ Online Resources.
☒ Legal Advisors.
☒ Industry Associations.
☒ Government Agencies.
☐ Others (please specify): _____

1.3. What types of counterfeit products have you seen that are most commonly associated with your trademarks or trademarks in general?

Electronic technology products, food products

2. Current Digital Trademark Protection Practices

2.1. What types of trademark measures, strategies, or policies do you know are used to combat trademark counterfeiting in the digital environment? (*Select all that apply*)

- ☒ Online brand monitoring.
☒ Collaboration with e-commerce platforms.
☒ Use of anti-counterfeiting technologies (e.g., blockchain, AI).
☒ Legal action against infringers.
☒ Consumer education campaigns.
☐ Other (please specify): _____

2.2. Please, rate these measures in order of effectiveness for combating the trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Measure	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Online brand monitoring.				✓		

Collaboration with e-commerce platforms.				✓		
Use of anti-counterfeiting technologies (e.g., blockchain, AI).					✓	
Legal action against infringers.						✓
Consumer education campaigns.				✓		
Others (please specify):						

2.3. Are trademarks owners using any tools, measures or strategies other than those previously selected to combat brand counterfeiting in the digital environment?

If yes, please describe briefly them:

N/A

2.4. Have you personally benefited from specific trademark enforcement activities in the digital environment, either as an online consumer or as a trademark owner?

- [] No
[✓] Yes

If yes, please describe how:

By trademark cancellation actions, trademark invalidation actions, patent non-infringement actions and so forth

4. Digital Counterfeiting Challenges

4.1. What do you see as the main challenges in the digital environment when it comes to combating trademark counterfeiting? (Rank from 1-5, with 1 being the most significant challenge)

- [✓] Rapid evolution of counterfeiting techniques.
[] Limited resources for enforcement.
[✓] Lack of cooperation from online platforms.
[] Jurisdictional issues in cross-border enforcement.
[] Difficulty in identifying counterfeiters.
[] Other (please specify): _____

4.2. How has the growth of e-commerce affected your experience with trademark counterfeiting?

Some e-commerce marketplaces offer ample opportunities to infringers selling counterfeit goods, allowing the infringers to set up window-shop without costs or at low cost, and to take advantage of the high levels of anonymity afforded by the Internet, directing sales and revenue away from big, famous and genuine brands.

4.3. Are you aware of the forms of support (training, financial, legal) available for implementing anti-counterfeiting measures in the digital environment?

[] No

[✓] Yes

If yes, please specify the type of support and the provider:

5. Successful Experiences and Best Practices

5.1. What success case can you highlight in the implementation of trademark anti-counterfeiting measures in the digital environment of your economy?

Multiple trademark squatters in Chile, Mexico and Peru which the trademark squatters were able to register their marks by copying the exact figurative marks of the originals but with some photoshop skills (by blurring the figurative mark) and/or combining the original marks with other famous marks as a combo-mark. Thus, the examiner has allowed the registration and we have filed several cancellation actions based on non-use and invalidation action based on bad-faith.

If possible, please identify the consumer or trademark owner benefited in the mentioned success case (it could be yourself)

NAME	CONTACT INFORMATION
N/A	N/A

5.2. What do you consider to be the key factors that made this experience particularly effective?

Registered trademarks' rights and active trademark protection actions such as oppositions, cancellation actions, invalidation actions. Also, deep research regarding the background of the infringer and relevant products in the specific economy.

5.3. Have you observed any best practices from organizations or different economies that you believe should be more widely adopted?

- ☐ No
☒ Yes

If yes, please describe:

N/A

6. Collaboration and Support

6.1. Are you aware of any cooperation strategy or agreement between trademark owners, e-commerce platforms, and/or law enforcement authorities in your economy?

- ☐ No
☒ Yes

If yes, please describe briefly:

N/A

6.2. If your previous answer was YES, how would you rate the level of cooperation between trademark owners, e-commerce platforms, and law enforcement authorities in your economy?

Very poor (1) ____; (2) ____; (3) ☒; (4) ____; (5) ____ **Excellent**

☐ **Not applicable.**

6.3. In your opinion, what additional support would be most beneficial to improving the ability to combat digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most beneficial*).

- ☒ Financial resources.
☒ Technical training.
☒ Legal assistance.
☐ Improved collaboration with e-commerce platforms.
☐ Enhanced cross-border enforcement mechanisms.
☐ Other (please specify): _____

7. Effectiveness of Current Measures

7.1. In your experience, which enforcement measures have been most effective in reducing trademark counterfeiting in the digital environment?

Please, briefly describe why:

N/A

7.2. Are there any measures you have found to be ineffective or counterproductive?

- ☐ No
☐ Yes

If yes, please describe:

N/A

7.3. From your perspective, how has the implementation of anti-counterfeiting measures for the digital environment affected your experience as a consumer or trademark owner (or representative of a trademark owner) and your relationship with these other entities?

Entity	Significantly improved	Somewhat improved	No change	Somewhat worsened	Significantly worsened
Consumers		✓			
E-commerce platforms		✓			
Trademark owners		✓			

7.4. Based on your experience, which of the following factors are the most important in relation to the success of a trademark anti-counterfeiting measure in the digital space (*Rank from 1-5, with 1 being the most important*):

- [1] Speed of implementation and action.
☐ Collaboration with e-commerce platforms and online marketplaces.
☐ Technological sophistication of the measure.
[1] Legal backing and enforceability.
☐ Other (please specify): _____

7.5. Have you experienced any unexpected benefits or drawbacks from the implementation of such measures in the digital environment?

Please, briefly explain:

N/A

8. Effectiveness of Regulations

8.1. How important do you consider the regulation developed in your economy to effectively combat trademark counterfeiting in the digital environment?

Not important at all (1) _____; (2) _____; (3) ☒; (4) _____; (5) _____ **Very important**

Please, briefly explain:

N/A

8.2. Have you experienced any specific challenges related to the lack of regulations in combating digital trademark counterfeiting?

☒ No
☐ Yes

If yes, please describe:

N/A

8.3. In your experience, which existing regulations have been most effective in supporting your efforts against digital trademark counterfeiting?

N/A

8.4. From your perspective, what regulatory changes would most improve the fight against digital trademark counterfeiting? (*Rank from 1-5, with 1 being the most important*)

[2] Increased penalties for online counterfeiters.

[2] Greater responsibility for e-commerce platforms.

[3] Improved cross-border enforcement mechanisms.

[1] Faster takedown procedures for infringing content.

[3] Enhanced data sharing between enforcement agencies.

[] Other (please specify): _____

8.5. Have you participated in any public consultations or discussions about regulations concerning digital trademark counterfeiting?

[] No
☒ Yes

If yes, please describe your experience:

N/A

8.6. How important do you consider the current role of public authorities from your economy in combating trademark counterfeiting in the digital environment?

Not important at all (1) ____; (2) ☒; (3) ____; (4) ____; (5) ____ **Very important**

8.7. Please name the main public authority in charge of combating trademark counterfeiting in the digital environment in your economy and briefly explain your answer regarding the importance of public authorities:

Public authority	Answer explanation
<u>N/A</u>	<u>N/A</u>

8.8. How do you stay informed about changes in trademark and other IP laws and regulations?

Law reports.

9. Future Strategies and Recommendations

9.1. Are there any emerging technologies (e.g. blockchain, artificial intelligence) or strategies that you believe hold the most promise for combating trademark counterfeiting in the digital environment?

☐ No
☒ Yes

If yes, please describe:

Artificial Intelligence.

9.2. Based on your experience, what are the best recommendations for improving the enforcement of trademark rights protection in e-commerce? (*Rank from 1 to 5, with 1 being the most important*)

[2] Strengthen collaboration between trademark owners and e-commerce platforms.

[1] Implement more sophisticated AI and machine learning tools for detection.

[3] Enhance cross-border enforcement mechanisms.

[2] Increase penalties for online counterfeiters.

[2] Improve consumer education about counterfeiting risks.

☐ Others (please specify): _____

9.3. What innovative technologies, measures or strategies do you believe could be adopted in the future to combat trademark counterfeiting in the digital environment more effectively?

AI tools for infringement detections.

9.4. How do you believe the enforcement of trademarks in the digital environment has impacted consumer trust and market integrity?

(Rank from 1 to 5, with 1 being the most significant impact)

- ☐ Increased consumer confidence in authentic products online
- ☐ Reduced the prevalence of counterfeit goods in e-commerce platforms
- ☐ Improved the overall reputation of online marketplaces
- ☒ Enhanced brand value and recognition in the digital space
- ☐ Encouraged fair competition among businesses in the digital market

9.5. How much do you agree that the following measures can increase confidence in digital trade through improved trademark protection?

(Rate each option from 1 to 5, where (1) = Strongly Disagree, and (5) = Strongly Agree)

Measure	1	2	3	4	5
Implementation of blockchain-based product verification systems.				✓	
Development of a unified database of authentic trademarks.			✓		
Creation of a digital trust score for online sellers based on their IP compliance history.				✓	
Establishment of fast-track digital customs clearance for trusted brands.			✓		
Integration of AI-powered chatbots to help consumers verify product authenticity.					✓
Implementation of QR code scanning for real-time trademark verification.					✓
Development of a decentralized platform for peer-to-peer authentic product trading.				✓	
Others (please specify):					

9.6. Do you think it is important to incorporate consumer feedback into companies' IP protection strategies?

Yes.

9.7. Are there any other measures you believe could increase confidence in digital trade?

N/A

10. FEEDBACK ON THE GUIDEBOOK

10.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

N/A

10.2. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

10. Additional Comments

10.1. Do you have any additional insights, experiences, or suggestions you have regarding the combat of trademark counterfeiting in the digital environment?

N/A

ANNEX 2

APEC SURVEY FOR

IP POLICY MAKERS

(IP OFFICES / GOVERNMENTAL AUTHORITIES)

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Australia

Name of the Institution: xxxxxxxxxxxxxxxxxxxx

Name of the person responsible for completing the survey: xxxxxxxxxxxxxxxxxxxx

Position held at the institution: xxxxxxxxxxxxxxxxxxxx

Years of experience related to IP enforcement: xxxxxxxxxxxxxxxxxxxx

Email: xxxxxxxxxxxxxxxxxxxx

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☒ No
☐ Yes

No specific legislation. However, provisions relating to trademark counterfeiting under the *Trade Marks Act 1995* apply equally to the digital environment where Australian jurisdiction is applicable (e.g. where goods or services are being advertised or provided to Australians in the course of trade).

If yes, please provide the name, year of implementation and links if available:

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply) **(Answered to best of my knowledge. [REDACTED])**

- ☐ Online monitoring systems
☐ Notice and takedown procedures
☐ Digital forensics
☐ Collaboration with e-commerce platforms
☒ Consumer education programs **From time to time, for example media releases at periods of heightened consumer activity. We also provide factsheets: [buying-internet.pdf \(abf.gov.au\)](#)**
☒ Others (please specify): _____

We have trialed a 'Smart Trade Mark' 'Trust Badge' aimed at supporting users to ensure they are buying the genuine product online.

- **What is the Smart Trade Mark System? - LegalVision**
- **PowerPoint Presentation (wipo.int)**

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) **X**; (4) ____; (5) ____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- [5] Rapid technological changes
- [2] Cross-border enforcement issues
- [1] Limited resources (human, financial, technological)
- [4] Lack of cooperation from e-commerce platforms
- [] Inadequate legal framework
- [3] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

Challenges in measuring and quantifying the problem – difficulty establishing the extent and impact of trademark counterfeiting in the digital environment.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

Provisions relating to trademark counterfeiting under the *Trade Marks Act 1995* apply equally to the digital environment where Australian jurisdiction is applicable (e.g. where goods or services are being advertised or provided to Australians in the course of trade).

This includes legal mechanisms (civil and criminal) as well as customs seizures operations, noting that importation is often linked to online trade mark counterfeiting.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

- [] No
[] Yes

If yes, please briefly describe:

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☒ No

☐ Yes

(Answered to best of my knowledge. Enforcement agencies, in particular Customs, might use additional measures.)

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☐ Information sharing

☐ Joint enforcement operations

☐ Training and capacity building

☐ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

☐ No

☒ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION
auDA (.au Domain Administration)	Home auDA	<ul style="list-style-type: none"> The not-for-profit .au Domain Administration (auDA) oversees the operation and

		<p>management of the .au portion of the DNS. auDA is an independent body endorsed by the Australian Government as the appropriate entity to administer Australia's ccTLD.</p> <ul style="list-style-type: none"> • auDA and the Australian Government collaborate on policy matters to ensure counterfeiters cannot make inappropriate use of our ccTLD. • We share statistics and cooperate on policy initiatives (for example raising awareness) from time to time.
--	--	---

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☒ No
☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

☒ No
☐ Yes

If yes, please provide details:

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

☒ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

Barriers include: offenders are often based overseas and transnational enforcement is challenging; third-party platforms and intermediaries are also often overseas-based and engagement can be limited; lack of awareness among IP owners; jurisdictional nature of trade mark protection; technology means offenders can easily shift their offending to new web locations when caught.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- [4] Slows down enforcement actions
- [1] Limits the ability to prosecute offenders
- [2] Reduces deterrence against counterfeiters
- [3] Increases operational costs for enforcement agencies
- [] Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- [3] Introduction of expedited legal processes
- [] Implementation of higher penalties for offenders
- [1] Adoption of new technologies for enforcement
- [2] Enhanced cooperation between regulatory bodies and the private sector
- [] Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- [] Ex-officio (by the authorities on their own initiative).
- [X] Only upon request by the rights holder.
- [] Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
-	-
-	-
-	-
-	-
-	-

Criminal prosecution (generally private prosecution)

Civil action including seeking interim (preliminary) injunction or Anton Piller order (similar to a search warrant).

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment? **Unsure**

- ☐ No, never:
☐ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☐ Harmonization of legal frameworks and standards
☒ Establishment of a central database for counterfeit reports
☒ Regular regional meetings and workshops for enforcement authorities
☐ Incentives for private sector collaboration
☐ Other (please specify):

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

I have not answered this section as [REDACTED] does not routinely record statistics on legal actions, particularly those taken without government involvement (which is most legal actions). We also do not distinguish between actions to combat infringement in the digital environment and infringement in the physical environment. Often cases feature elements of both.

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☐ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- ☐ Criminal proceedings
 - ☐ Civil litigation
 - ☐ Administrative procedures
 - ☐ Alternative dispute resolution (e.g., mediation, arbitration)
 - ☐ Other (please specify):
-

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						
Civil litigation						
Administrative procedures						
Alternative dispute resolution (arbitration, mediation, etc.)						
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.	X					

Blockchain for traceability.	X					
Big data analytics.	X					
Automated web crawlers.	X					
IP trackers.	X					
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

n/a

8.2. What do you consider to be the key factors that contributed to this success?

n/a

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

[X] No
[] Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☐ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☒ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- [3] Advanced digital forensics and investigation techniques
[2] Use of AI and machine learning for trademark protection
[1] Best practices in cross-border enforcement collaboration
[4] Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No
☐ Yes

Unsure. I expect none specifically relating to enforcement against trademark counterfeiting in digital environments.

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

n/a

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

[2] Collaborative development of monitoring tools

[3] Shared intelligence and data analytics

[4] Joint enforcement operations and task forces

[1] Public awareness and education campaigns

[] Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Accessibility and awareness of enforcement mechanisms among IP owners.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

[X] No

[] Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Anecdotally, yes. The increased uptake of online shopping has resulted in more market access for counterfeiters.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☒ No
☐ Yes

If yes, please briefly describe:

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No
☐ Yes
n/a

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

-
- **Guide to different enforcement pathways and opportunities for digital-specific enforcement, especially when counterfeiters are based overseas.**
 - **Best practices to work with online platforms to prevent or address digital infringement.**
 - **Specific content on high-risk areas especially counterfeit pharmaceuticals and ingestible products.**
-

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

See 12.1 – these would be useful.

Appreciate any guidelines and best practices, especially ones we can share with IP owners and online platforms to inform their practice.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: CHILE

Name of the Institution: xxxxxxxxxxxxxxxxx

Name of the person responsible for completing the survey:
xxxxxxxxxxxxxxxxxxxxxx

Position held at the institution: xxxxxxxxxxxxxxxxxxxxx

Years of experience related to IP enforcement: xxxxxxxxxxxxxxxxxxxxx

Email: xxxxxxxxxxxxxxxxxxxxx

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

☒ No

☐ Yes

If yes, please provide the name, year of implementation and links if available:

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

☒ Online monitoring systems

☒ Notice and takedown procedures

☐ Digital forensics

☒ Collaboration with e-commerce platforms

☒ Consumer education programs

☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

Capacity building to public agencies in charge of enforcement, including Customs;

Permanent assistance to Customs to control importation of infringing goods

Creation of special dedicated Police section to combat trademark counterfeiting

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) _____; (2) _____; (3) **X**; (4) _____; (5) _____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

- [X] Rapid technological changes
- [X] Cross-border enforcement issues
- [X] Limited resources (human, financial, technological)
- [X] Lack of cooperation from e-commerce platforms
- [X] Inadequate legal framework
- [X] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

Material resources to public agencies in charge of IP enforcement

Lack of adequate coordination among enforcement public agencies

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe: Registered trademarks infringements are enforced through civil and/or criminal procedures in Chile. Recently the Industrial Property Law was modified incorporating a new felony regarding counterfeiting trademarks.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
BRIDEPI- Brigada Investigadora de Delitos de Propiedad Intelectual- Policía de Investigaciones de Chile (PDI) (Civil police)	Avda. José Pedro Alessandri 1800, Ñuñoa, Región Metropolitana. Correo: bridepi@investi gaciones.cl Fono: +562 2 7082383	https://www.pdichile.cl/instituci%C3%B3n/unidades/delitos-econ%C3%B3micos	The BRIDEPI is a specialized unit with local jurisdiction in IP crimes. It is part of the Investigation Police (PDI, Policía de Investigaciones)

Ministerio Público- Fiscalía Nacional (Public Prosecutor)	Calle Catedral 1437 Santiago Centro, Santiago de Chile	http://www.fiscaliadechile.cl/Fiscalia/index.do	Its function is to direct the investigation of crimes and prosecute the accused in court
Carabineros de Chile (Uniformed Police)	Avenida Bernardo O'Higgins 1196 Santiago Teléfono: (2) 2922 0000	www.carabineros.cl	Police institution that integrates the Law Enforcement and Security Forces.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

☐ No
☒ Yes

If yes, please briefly describe:

Since 2016 INAPI coordinates the Working Group on IP Enforcement. This forum allows the different public agencies in charge of IP Enforcement to plan, share information and coordinate their efforts. (recently reinstalled)

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
BRIDEPI- Brigada Investigadora de Delitos de Propiedad Intelectual- Policía de Investigaciones de Chile (PDI) (Civil police)	Policía de Investigaciones de Chile (PDI)	The BRIDEPI was created in 2008 to meet the local need for a specialized and permanent unit with local jurisdiction on IP crimes. BRIDEPI allows the police function to be more dynamic, agile, efficient and effective, in accordance with the requirements of the criminal prosecution agency.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☒ No

☐ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☐ Information sharing

☐ Joint enforcement operations

☐ Training and capacity building

☐ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☐ No
☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

- ☒ No
☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☒ No
☐ Yes

If yes, please provide details:

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☒ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
- ☐ Limits the ability to prosecute offenders
- ☐ Reduces deterrence against counterfeiters
- ☐ Increases operational costs for enforcement agencies
- ☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☒ Introduction of expedited legal processes
- ☐ Implementation of higher penalties for offenders
- ☒ Adoption of new technologies for enforcement
- ☒ Enhanced cooperation between regulatory bodies and the private sector
- ☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
- ☒ Only upon request by the rights holder.
- ☒ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

In the case of trademark infringement, the first action must be done by the rightsholder (acción penal previa instancia particular).

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none"> - Cease of the infringing act - seizure of the products that are the subject of the alleged infringement and of the materials and means that were mainly used to commit it - appointment of one or more auditors - Prohibition of advertising or promoting in any way the products that are the subject of the alleged infringement - the retention by a credit institution or a third party, of the goods, money, or securities that come from the sale or marketing of said products, in any form. 	<ul style="list-style-type: none"> - cessation of acts that violate the protected right. - damages. - adoption of the measures necessary to prevent the continuation of the infringement. - publication of the judgment at the expense of the convicted person, through advertisements in a newspaper chosen by the plaintiff. This measure will be applicable when the judgment expressly indicates it.

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never:
☒ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

Regarding article 279 of the Civil Prosecution Code, preliminary measures may be requested as precautionary measures, if there are serious and qualified reasons for doing so, and the following circumstances exist:

1st. That the amount of the assets on which the precautionary measures should be applied is determined; and

2nd. That a bond or other guarantee sufficient, in the opinion of the court, is posted to cover the damages that may arise and the fines that may be imposed.

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☒ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
☒ Establishment of a central database for counterfeit reports
☒ Regular regional meetings and workshops for enforcement authorities
☒ Incentives for private sector collaboration
☐ Other (please specify): _____

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions	N/I	N/I	-N/I	-N/I	-N/I

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	N/I	N/I	N/I

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?
N/I

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- ☒ Criminal proceedings
☒ Civil litigation
☐ Administrative procedures
☐ Alternative dispute resolution (e.g., mediation, arbitration)
☐ Other (please specify):
-

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings				X		
Civil litigation			X			
Administrative procedures	X					
Alternative dispute resolution (arbitration, mediation, etc.)	N/I					
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.	NO					
Blockchain for traceability.	NO					
Big data analytics.	NO					
Automated web crawlers.	NO					
IP trackers.	NO					
Others (please specify):	SOCIAL ANALYSIS (search case by case)			X		

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

AI-powered image recognition, Big data analytics, Automated web crawlers, for instance.

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

We don't have a successful enforcement case study regarding trademark counterfeiting in the digital environment

8.2. What do you consider to be the key factors that contributed to this success?

N/I

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☒ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☐ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☒ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- ☒ Advanced digital forensics and investigation techniques
☒ Use of AI and machine learning for trademark protection
☒ Best practices in cross-border enforcement collaboration
☒ Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☒ No
☐ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

N/A

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Capacity building, exchange of best practices, focal points regarding this matter in order to collaborate

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

☒ Collaborative development of monitoring tools

☐ Shared intelligence and data analytics

☐ Joint enforcement operations and task forces

☒ Public awareness and education campaigns

☐ Other (please specify):

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☒] No
[] Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

During the pandemic the trademark counterfeiting increased. Associated with that, also de courier services increased.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☒] No
[] Yes

If yes, please briefly describe:

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

[] No
[] Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

It would be helpful to address the regulatory aspects of the international companies that own/control the marketplaces and web portals.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

[☐] No

[☒] Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

In order to prevent infringements, it is necessary also to foster IP awareness and promote respect of Intellectual Property.

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Hong Kong, China

Name of the Institution: XXXXXXXXXXXXXXXXXX

Name of the person responsible for completing the survey: _____

XXXXXXXXXXXXXXXXXX

Position held at the institution: Inspectorate officers of Intellectual Property Investigation Bureau, C&ED

Years of experience related to IP enforcement: x

Email: xxxxxxxxxxxxxxxxx

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

Trade Descriptions Ordinance, Chapter 362, Laws of Hong Kong

Year 1981, <https://www.elegislation.gov.hk/hk/cap362>

Trade Marks Ordinance, Chapter 559, Laws of Hong Kong

Year 2003, <https://www.elegislation.gov.hk/hk/cap559>

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☒ Online monitoring systems
☒ Notice and takedown procedures
☒ Digital forensics
☒ Collaboration with e-commerce platforms
☒ Consumer education programs
☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

- (a) Criminal sanction: To combat online Intellectual Property Rights (IPR) crimes, C&ED conducts enforcement operations against the ever-changing online IPR infringements / technology crimes by (i) establishing dedicated "Anti-Internet-Piracy Teams" to conduct online investigations and take enforcement actions on local criminal counterfeiting activities; (ii) setting up the "Computer Forensic Laboratory" to conduct forensic examination on digital devices containing crime evidence; (iii) setting up the "Electronic Crime Investigation Centre" to enhance the online investigation capabilities of the frontline-officers; and (iv) launching the "Big Data Analytics System" to assist front-line officers in retrieving and analysing massive information from various Internet platforms for online investigations.
- (b) Civil action: Trademark owners may institute legal proceedings against the infringers to seek various reliefs such as damages, injunction and an order for delivery up.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) ____; (4) ✓; (5) ____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- [2] Rapid technological changes
 [1] Cross-border enforcement issues
 [3] Limited resources (human, financial, technological)
 [4] Lack of cooperation from e-commerce platforms
 [6] Inadequate legal framework
 [5] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

Nil

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

In Hong Kong, China, trademark infringement is subject to both criminal sanction and civil liability. While C&ED is the government department in Hong Kong, China responsible for conducting criminal enforcement action against trademark infringements, trademark owners may take civil action against trademark infringements to seek various reliefs such as damages, injunction and an order for delivery up.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
Intellectual Property Investigation Bureau, C&ED	+852 3759 3028, Senior Inspector of Electronic Crime Investigation Centre, Intellectual Property Technology Crime Investigation Division	https://www.customs.gov.hk/en/about-us/ced-roles/intellectual-property-rights-and-consumer-protecti/index.html	C&ED is the sole agency responsible for criminal enforcement of IPR crimes in Hong Kong, China.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

- [] No
 [✓] Yes

If yes, please briefly describe:

Recognising that infringement of IPR would impair international trade and undermine economic development, the Hong Kong Special Administrative Region (HKSAR) Government adopts a multi-pronged strategy for IP protection, including a comprehensive legislative framework, rigorous enforcement action, sustained public education, collaboration with stakeholders as well as close international cooperation among law enforcement agencies. The Commerce and Economic Development Bureau oversees the formulation of policies to maintain a modern, robust and comprehensive IPR regime in Hong Kong, China and develop Hong Kong, China into a regional IP trading centre under the “National 14th Five-Year Plan”. It is advised and supported by the Intellectual Property Department (IPD) in matters concerning IPR policy, legislation and initiatives. The C&ED is the sole government department in Hong Kong, China responsible for criminal enforcement of the IPR laws.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Intellectual Property Rights Protection Alliance	C&ED	C&ED has established the Intellectual Property Rights Protection Alliance (“IPRPA”) since 2004, a platform that enables C&ED and the IPR industry to cooperate further, through the exchange of intelligence and regular market monitoring, for clamping down on piracy and counterfeiting activities more effectively. IPRPA also aims at educating the general public about the importance of IPR protection. Currently, IPRPA has members from the IPR trade, including individual rights holders, trade associations and legal representatives of rights owners.
Youth Programme “Customs YES”	C&ED	“Customs YES” is the programme for young people aged between 12 and 24. It provides an enabling environment for young people to develop multi-intellectual potentials and build up positive outlook to life, thus nurturing them into distinguished youth leaders with a sense of social responsibility, local identity and an international perspective. Through providing various activities periodically, in particular on IPR protection, it helps the members develop law-abiding awareness and become responsible citizens.
Regional High-level Conference on IP Protection (held between 12-14.3.2024)	C&ED	The theme of the conference centres around three key elements, namely “Enforcement,” “Engagement,” and “Education.” It features a series of thematic presentations and discussions in relation to IP, enabling participants to examine the enforcement effectiveness and strategies from diverse perspectives, as well as fostering co-operation and information exchanges between law enforcement agencies and industry stakeholders.

		https://www.info.gov.hk/gia/general/202403/14/P2024031400303.htm
Business of IP Asia Forum	Jointly organised by the HKSAR Government and Hong Kong Trade Development Council	The annual Forum brings IP professionals and business leaders from all over the world to discuss the latest developments in the IP world, and to explore business collaboration opportunities. The thirteenth edition of the Forum with the theme “IP & Innovation: Steering New Economic Growth” was held in-person at the Hong Kong Convention and Exhibition Centre on 7-8 December 2023 with great success, featuring over 90 prominent speakers, sharing their insights and attracted more than 2,500 participants. The next edition with the theme “Reimagining IP for Impact and Growth” will be held on 5-6 December 2024.
“No Fakes Pledge” Scheme	IPD	The “No Fakes Pledge” Scheme launched by IPD in 1998 encourages participating retail merchants to pledge not to sell counterfeit and pirated products, thereby establishing and upholding honest and trustworthy trading practices, promoting a sense of pride among participating retail merchants, and enhancing awareness of IPR protection among retailers and consumers alike. In 2023, the scheme covered over 7,400 retail outlets in Hong Kong, China.
“I Pledge” Campaign	IPD	IPD collaborates with the IP right-holders and youth associations to organise the “I Pledge” Campaign which encourages consumers not to buy or use pirated and counterfeit goods, thereby promoting awareness about IPR protection.
Other programmes targeted at youths	IPD	IPD launches activities such as organising interactive drama programmes and IP talks at primary and secondary schools to put across the messages of respecting and protecting IPR without involving in any infringement of IPR.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
N/A		

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
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N/A		
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4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

- ☐ No
☒ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
1/ Meta.com 2/ Carousell.com	1/ apacts@fb.com 2/ authorities@thecarousell.com	C&ED works closely with the platforms in detecting the online infringing and counterfeiting activities. Upon discovery of suspected counterfeit goods or infringing contents on the internet, C&ED will request the relevant operators to take down the contents or suspend the suspicious accounts as appropriate after investigation or enforcement actions.

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

- ☒ Information sharing
☐ Joint enforcement operations
☐ Training and capacity building
☒ Development of best practices
☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☐ No
☒ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION
Hong Kong Internet Registration Corporation Limited (HKIRC)	info@hkirc.hk (https://www.hkirc.hk)	HKIRC is a not-for-profit and non-statutory corporation designated by the HKSAR Government to administer the registration of Internet domain names under “.hk”. Upon discovery of suspected counterfeit goods or infringing contents on the websites using domain name under “.hk”, C&ED will request HKIRC for assistance in investigations.

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☒ No
☐ Yes

If yes, please briefly describe the method used:

N/A

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

☐ No
☒ Yes

If yes, please provide details:

The Trade Marks (Amendment) Ordinance 2020 effective 19 June 2020 has added a new Part XIIA to the Trade Marks Ordinance (Cap. 559, "TMO") which specifically confers powers on C&ED to enforce the criminal provisions under the TMO under one roof, viz. on C&ED, as with those under the Copyright Ordinance (Cap. 528) and the Trade Descriptions Ordinance (Cap. 362). This helps enhance the synergy in the enforcement of intellectual property laws and the confidence of other jurisdictions in the integrity of Hong Kong, China's enforcement regime for offences relating to trademarks.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

☒ No
☐ Yes

If yes, please briefly describe:

N/A

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

There are challenges in enforcement across various jurisdictions and evidence collection in the digital environment.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (Rank from 1 to 5, with 1 being the highest limitation)

- [2] Slows down enforcement actions
- [1] Limits the ability to prosecute offenders
- [4] Reduces deterrence against counterfeiters
- [3] Increases operational costs for enforcement agencies
- [] Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- [3] Introduction of expedited legal processes
- [2] Implementation of higher penalties for offenders
- [1] Adoption of new technologies for enforcement
- [4] Enhanced cooperation between regulatory bodies and the private sector
- [] Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- [] Ex-officio (by the authorities on their own initiative).
- [] Only upon request by the rights holder.
- [✓] Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

C&ED has developed the recordation system as the pre-requisite for investigating criminal offences relating to counterfeiting activities. Trademark owners must have completed the trademark registration with IPD before commencing the recordation procedure. Trademark owners have to appoint a qualified examiner to verify the authenticity of the suspected infringing articles, furnish evidence and testify in court. Enforcement actions will be taken upon receiving allegation from the public or the right holders. C&ED will also conduct self- developed operations against digital counterfeiting activities.

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none"> - Entry and search of domestic premises with a court warrant. - Enter any premises other than domestic premises to ascertain whether any IPR offence has been or is being committed. - Require any person carrying on a trade or business or employed in connection with a trade or business to produce any books or documents relating to the trade or business and may take copies of, or of any entry in, any such book or document. - Interlocutory injunctions. 	<ul style="list-style-type: none"> - Enter premises to inspect, seize goods, and documents. - Arrest or detain, without a warrant, any individual whom he reasonably suspects of having committed an IPR offence for further inquiries. - Forfeit and dispose of specific goods associated with an IPR offence. - Injunctions.

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☒ No, never:
☐ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

N/A

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☐ Other (please specify):

N/A

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
☒ Establishment of a central database for counterfeit reports
☒ Regular regional meetings and workshops for enforcement authorities
☒ Incentives for private sector collaboration
☐ Other (please specify):
-

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions	182 cases	66 cases	87 cases	61 cases	77 cases

(Note: The cases were on criminal proceedings. C&ED is the sole government agency responsible for criminal enforcement of IPR crimes in Hong Kong, China.)

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

N/A

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	USD 37M	730,000	Electrical and electronic products, watches, footwear, clothing and accessories, etc

(Note: the estimation is with reference to the enforcement figures against trademark counterfeiting and copyright piracy crimes in 2023)

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

3% (in terms of seizure value)

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (Rank from 1 to 5, with 1 being the most common).

[1] Criminal proceedings

[2] Civil litigation

[] Administrative procedures

[3] Alternative dispute resolution (e.g., mediation, arbitration)

[] Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective").

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						✓
Civil litigation						✓
Administrative procedures	✓					

Alternative dispute resolution (arbitration, mediation, etc.)						✓
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.	✓					
Blockchain for traceability.	✓					
Big data analytics.						✓
Automated web crawlers.						✓
IP trackers.						✓
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

Reliable IP trackers and tools for web hosting server and web content owner identification

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

C&ED mounted a special enforcement operation on 7 May 2024 and detected two cases of selling counterfeit goods on a social media platform. A total of about 1,900 items of counterfeit

goods, including perfumes and cosmetic products, with an estimated market value of about HKD920,000, were seized and two persons were arrested. C&ED continuously takes advantage of big data analytics systems to perform cross-platform cyber patrol and analyse massive volumes of internet information in order to combat the ever-changing online IPR infringements.

https://www.customs.gov.hk/en/customs-announcement/press-release/index_id_4184.html)

8.2. What do you consider to be the key factors that contributed to this success?

C&ED officers used big-data analytics systems to carry out risk assessments and analyses in order to identify suspicious posts and online sellers of counterfeited goods.

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☒ No
☐ Yes

If yes, please briefly describe:

N/A

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☐ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☐ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- [2] Advanced digital forensics and investigation techniques
[1] Use of AI and machine learning for trademark protection
[3] Best practices in cross-border enforcement collaboration
[4] Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No
☒ Yes

If yes, please briefly describe:

Regional High-level Conference on IP Protection, 12-14 March, 2024, organised by C&ED.

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

The theme of the conference centres around three key elements, namely "Enforcement," "Engagement," and "Education." It features a series of thematic presentations and discussions in relation to IP, enabling participants to examine the enforcement effectiveness and strategies from diverse perspectives, as well as fostering co-operation and information exchanges between law enforcement agencies and industry stakeholders.

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Sharing sessions, seminars and forums are recommended.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (Rank from 1 to 5, with 1 being the best measure).

- [4] Collaborative development of monitoring tools
[1] Shared intelligence and data analytics
[2] Joint enforcement operations and task forces
[3] Public awareness and education campaigns
[] Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

One major area is to have more collaboration with online service providers on investigation of alleged websites / social media accounts.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

- ☐ No
☒ Yes

If yes, please briefly describe:

C&ED keeps developing/enhancing the big data analytics system and website investigation tools to assist front-line officers in retrieving and analysing massive information from various Internet platforms and website links for online investigations.

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

The pandemic accelerated the shift towards e-commerce as consumers turned to online shopping due to lockdowns and social distancing measures. This increase in online transactions have created more opportunities for counterfeit goods to be sold through various platforms.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No

☒ Yes

If yes, please briefly describe:

C&ED conducted enforcement operations in view of the increasing popularity of online shopping during the epidemic. A special operation codenamed "ThunderNet" was conducted between November 2020 and February 2021 to combat the online sale of counterfeit goods, targeting those counterfeiting activities on online platforms in the name of shopping agents and by means of live webcasts. Through our big data analytics system, C&ED officers traced and analysed suspicious dedicated pages and accounts by means of targeted investigations and deployments. During the operation, C&ED officers posed as customers and conducted test-purchases online with the assistance of trademark owners.

https://www.customs.gov.hk/en/customs-announcement/press-release/index_id_467.html)

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No

☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

We would like the Guidebook to include the best practices of and channels with overseas online service providers and other stakeholders for facilitating online investigation and enforcement actions.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

The guidebook may serve as a means of showcasing regular exchange of case information, counterfeiting trends and enforcement strategies amongst law enforcement agencies, ensuring consistent and effective measures for combating trademark counterfeiting.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Nil

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Japan

Name of the Institution: XXXXXXXXXXXXXXXXXX

Name of the person responsible for completing the survey: XXXXXXXXXXXXXXXXXX

Position held at the institution: XXXXXXXXXXXXXXXXXX

Years of experience related to IP enforcement: XXXXXXXXXXXXXXXXXX

Email: XXXXXXXXXXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please provide the name, year of implementation and links if available:

Trademark Act (Act No. 127 of April 13, 1959)

URL: <https://www.japaneselawtranslation.go.jp/en/laws/view/4590>

Unfair Competition Prevention Act (Act No. 47 of 1993)

URL: <https://www.japaneselawtranslation.go.jp/en/laws/view/4709>

Act on the Limitation of Liability of Specified Telecommunications Service Providers for Damages and the Right to Demand Disclosure of Sender Identification Information (Act No. 137 of November 30, 2001) (*hereinafter in this document referred to as "Provider Liability Limitation Act"*)

URL: <https://www.japaneselawtranslation.go.jp/ja/laws/view/4443>

Guidelines of Provider Liability Limitation Act on Trademark Rights (July 2005)

URL: https://www.isplaw.jp/vc-files/isplaw/trademark_guideline_050721.pdf

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

☒ Online monitoring systems

☒ Notice and takedown procedures

☐ Digital forensics

☒ Collaboration with e-commerce platforms

☒ Consumer education programs

☐ Others (please specify): _____

Note: These measures have been implemented either by digital platforms, right holders, or government authorities, sometimes in coordination with one another.

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

The most effective means to reduce counterfeit trade in online marketplaces is prompt and reliable actions taken by the platform of the marketplace itself, for which the government and rights holders should also provide necessary cooperation. The Japan Patent Office is organizing the International Intellectual Property Protection Forum (IIPPF), a cross-sector gathering of companies as described in item 3.4, as a framework for the collaboration among

these interested parties; and through the framework of IIPPF, frequent dialogues have been organized between rights holder companies and overseas digital platforms to develop mutual understanding and facilitate future measures against counterfeits being traded in those platforms.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) _____; (2) _____; (3) ☒ _____; (4) _____; (5) _____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- [5] Rapid technological changes
- [1] Cross-border enforcement issues
- [3] Limited resources (human, financial, technological)
- [2] Lack of cooperation from e-commerce platforms
- [4] Inadequate legal framework
- [] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

Civil and criminal sanctions are available in trademark infringement cases. With the exception of border control measures, there are no administrative sanctions.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
National Police Agency Min. of Finance		https://www.npa.go.jp/english/ https://www.mof.go.jp/english/index.htm	The National Police Agency oversees investigating infringement cases. The Ministry of Finance is responsible for border measures.

Note: Please contact the Japan Patent Office, the respondent of this questionnaire, for the contact information where necessary.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

☐ No

☒ Yes

If yes, please briefly describe:

In both physical and digital environments, it is necessary for relevant government agencies to collaborate in addressing the issues of counterfeiting taking place in either physical or virtual environment. The Japan Patent Office regularly organizes interagency meetings with other authorities to share the latest policies and collaborates to address common challenges.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
International Intellectual Property Protection Forum (IIPPF)	Japan Patent Office	IIPPF is a cross-sectorial association of industries established in 2002 with the aim of resolving global issues of counterfeit and pirated goods, in a close collaboration with the Japanese government. It consists of 5 (five) projects: China, Asia and the Pacific, Middle East and Africa, the Internet and the Awareness Building. Regular meetings for information exchange among members and

		<p>discussion sessions with government officials and experts from overseas are conducted; its activities are partially funded by JPO.</p> <p>URL: https://www.ietro.go.jp/en/ietro/activities/business/iippf/</p>
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3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Subsidies for Japanese SMEs in countering the infringement of intellectual property	Japan Patent Office	<p>(1) Japanese SMEs trying to counter intellectual property infringement in overseas market are eligible for subsidies in arranging for on-site investigations to identify the manufacturers and distribution channels of counterfeit and pirated goods, as well as the sales situation in the market; covering 2/3 (up to a maximum of 4 million JPY) of the expenses incurred for the investigation and certain rights enforcement activities.</p> <p>(2) Japanese SMEs involved in disputes related to industrial property rights overseas are eligible for subsidies covering 2/3 (up to a maximum of 5 million JPY) of the expenses incurred for countermeasures.</p>

Note: The policy measures mentioned here are designed to cover any IP infringement cases involving Japanese SMEs operating in offshore markets, including those incurred or triggered in the digital environment.

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
		<p>While specific information of any SMEs cannot be disclosed, some of the experiences in utilizing the subsidies mentioned in 3.5 are briefed in the following booklet:</p> <p>URL: https://www.jpo.go.jp/support/chusho/docu</p>

		ment/shien_kaigaishingai/pamph16_print.pdf
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Note: Please contact the Japan Patent Office, the respondent of this questionnaire, for the contact information where necessary.

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☐ No

☒ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
		IIPPF has been organizing annual exchanges of opinions with Amazon Japan since they signed an MOU in 2021.

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☒ Information sharing

☐ Joint enforcement operations

☐ Training and capacity building

☐ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

☒ No

☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☒ No

☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please provide details:

Amendment to the Provider Liability Limitation Act (effective 2022): In cases of trademark infringement on digital platforms, it is often difficult to identify the infringer. In such cases, rights holders need to request the disclosure of sender information from content providers (such as social media operator) and access providers. Prior to the 2022 amendment, the process involved two steps: (1) filing a provisional disposition request with the content provider to request the disclosure of IP addresses and timestamps, and (2) initiating a lawsuit against the access provider to request the disclosure of the sender's name and address. The 2022 amendment has replaced this two-step procedure with a new judicial procedure that allows for the simplified and expedited disclosure of sender information by enabling the disclosure requests to be made in one go.

Amendment to the Trademark Act and Customs Act (effective 2022): With the recent growth of e-commerce, there has been an increase in overseas businesses directly selling counterfeit goods to individuals in Japan. Prior to the 2022 amendment, in cases of counterfeit goods entering from overseas, it was difficult to prove the act of import as a trademark infringement if the one receiving it in Japan claimed that import was made for personal use. This aspect led to an increase of counterfeits smuggled in small-scale imports through postal services. The 2022 amendment has clarified that the act of bringing counterfeit goods into Japan by overseas businesses, even if purchased by individuals for personal use, constitutes the use of registered trademarks, making it easier to prove trademark infringement.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

☐ No

☒ Yes

If yes, please briefly describe:

Amendment to the Provider Liability Limitation Act (2024): The amendment in 2024 introduces regulations that require large-scale platform operators to respond to removal requests within a certain period and establish and disclose removal criteria. (Note: this amendment has not yet been in effect, and the scope of businesses subject to the new regulations will be determined in subordinate implementing regulations yet to be promulgated.)

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
- ☐ Limits the ability to prosecute offenders
- ☐ Reduces deterrence against counterfeiters
- ☐ Increases operational costs for enforcement agencies
- ☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☒ Introduction of expedited legal processes
- ☐ Implementation of higher penalties for offenders
- ☐ Adoption of new technologies for enforcement
- ☐ Enhanced cooperation between regulatory bodies and the private sector
- ☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
- ☐ Only upon request by the rights holder.
- ☒ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (Please, provide a list of the five more relevant measures)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
Preliminary injunctions	Permanent injunctions Claims for damages and restitution of unjust enrichment Measures for restoring reputation Disposal of infringing compositions

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

☐ No, never:

☒ Yes, sometimes.

☐ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

☐ Fixed amount set by law.

☐ Percentage of the estimated damage.

☒ At the discretion of the authority.

☐ Based on the value of the authentic goods.

☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
- ☒ Establishment of a central database for counterfeit reports
- ☒ Regular regional meetings and workshops for enforcement authorities
- ☐ Incentives for private sector collaboration
- ☒ Other (please specify): _____

Enhancing transparency and promoting harmonization in anti-counterfeiting policies and measures made available by digital platforms themselves in the APEC economies.

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
- ☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- ☐ Criminal proceedings
- ☐ Civil litigation
- ☐ Administrative procedures
- ☐ Alternative dispute resolution (e.g., mediation, arbitration)
- ☒ Other (please specify):

Only a very small fraction of cases involving trademark infringement end up in civil lawsuits or criminal proceedings, compared to the vast number of incidents. Most cases are resolved between the rights holder and the infringer before resorting to such formal legal procedures.

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						
Civil litigation						
Administrative procedures						
Alternative dispute resolution (arbitration, mediation, etc.)						
Others (please specify):						

As mentioned in item 1.3, the most effective means to reduce counterfeit transactions in digital environment is through prompt and reliable actions, both proactive and reactive, to be taken by the platform itself. It is advisable for the governments to facilitate frameworks for those platforms to cooperate with right holders and to stipulate various norms necessary for platforms to take such actions.

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.					✓	
Blockchain for traceability.						✓
Big data analytics.						
Automated web crawlers.					✓	
IP trackers.						
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

- EU's initiatives utilizing blockchain technology
- Common anti-counterfeiting technology or software developed through collaboration among industry associations from multiple economies (such as Bearing industry)

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

8.2. What do you consider to be the key factors that contributed to this success?

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

☒ No

☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

☒ Lack of unified legal frameworks

☐ Differences in technological capabilities

☒ Insufficient information sharing mechanisms

☒ Inconsistent enforcement priorities

☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

☐ Advanced digital forensics and investigation techniques

☒ Use of AI and machine learning for trademark protection

☒ Best practices in cross-border enforcement collaboration

☒ Legal and regulatory updates on IP enforcement

☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

☒ No

☐ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

As mentioned in 6.6, we believe that actions taken by the platforms themselves are the most effective in combating counterfeit goods traded in the digital environment.

On the other hand, while the issue of counterfeit goods on certain large-scale digital platforms (such as social media) is a common challenge among APEC member economies, efforts to involve such digital platforms in countermeasures could only yield limited results when each economy's government agencies operate independently.

We therefore consider that a coordinated approach taken by interested APEC member governments towards these platforms would be more effective and would also contribute to the common interest of promoting legitimate trade in the digital environment.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

- ☐ Collaborative development of monitoring tools
- ☐ Shared intelligence and data analytics
- ☐ Joint enforcement operations and task forces
- ☐ Public awareness and education campaigns
- ☒ Other (please specify): _____

This question is difficult to answer as at present we are not much aware of the public-private sector collaboration in other economies. It may be worth considering conducting a stocktaking exercise on the frameworks and initiatives of public-private partnerships aimed at combating counterfeit products in each economy, focusing on those traded in the digital platforms, and then to identify best practices that could be followed by others.

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Addressing counterfeits traded in (1) cross-border e-commerce platforms and (2) social media platforms. In the case of cross-border e-commerce, there is sometimes a lack of transparency on voluntary measures taken by platforms, in aspects such as the criteria for identity verification (vetting) and content removal. In social media, there are instances where fake advertisements lead to other websites selling counterfeit products, which necessitates enhanced identity verification and prompt disclosure of seller and advertiser information by platforms in response to rights holders' claims.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☒ No

☐ Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

In 2020, as the impact of Covid-19 travel restrictions began to be felt, the number of import suspension cases of intellectual property infringement reached 2.3 times higher compared to 2015 (1.2 times higher compared to 2019), while the number of infringing goods was 0.5 times lower (0.6 times lower compared to 2019). This indicates a trend of smaller quantities of infringing goods per import suspension, suggesting a shift towards smaller shipments of infringing goods. The increase in individual imports through e-commerce is considered to be the main factor contributing to this trend.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No
☒ Yes

If yes, please briefly describe:

See the response to item 5.1, second paragraph.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No
☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Voluntary anti-counterfeiting measures undertaken by the platforms themselves are the most effective in countering counterfeits traded on any online marketplaces. As there are countless online marketplaces and other operators in the APEC region, the guidebook should primarily focus on practical aspects on anti-counterfeiting measures [to be] taken by these platforms, such as their policies on takedowns and vetting of third-party sellers, as it would align with the interests of the right holder industries. Additionally, given the ever-changing nature of platform businesses, regular updates of its content are essential part of such guidebook.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

If a guidebook as described in the response in item 12.1 is made available, we would like to recommend to the Japanese industry to utilize it when conducting overseas business within the APEC region.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Project IPEG 201 2023A Survey for IP Policy Makers on Digital enforcement (Korea)

Respondent Information

Economy: Republic of Korea

Name of the Institution: Korean Intellectual Property Office (KIPO)

Name of the person responsible for completing the survey: [REDACTED]

Position held at the institution: [REDACTED]

Years of experience related to IP enforcement: [REDACTED]

Email: [REDACTED] [REDACTED]

1. CURRENT ENFORCEMENT MEASURES ADDRESSING DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities to combat trademark counterfeiting in the digital environment?

Yes. The Republic of Korea has taken significant steps to strengthen its Trademark Act by amending it to explicitly recognize the use of trademarks in online environments as valid trademark usage. This amendment aims to ensure that trademark infringements occurring online can be effectively addressed and penalized. In addition to these amendments, there are several proposals under discussion that would further expand the responsibilities of online platform providers concerning trademark enforcement. These proposals may include holding platforms accountable for monitoring and preventing trademark violations occurring through their services, thus placing greater onus on platform operators to ensure that their systems are not being used to infringe on trademark rights.

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

☒ Online monitoring systems

☒ Notice and takedown procedures

☒ Digital forensics

☒ Collaboration with e-commerce platforms

☒ Consumer education programs

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities, either legal or technological, to combat trademark

counterfeiting in the digital environment:

The main objectives of the Republic of Korea's enforcement measures are to protect trademark rights and prevent the sale of counterfeit goods in digital environments. Effective mechanisms include using AI-powered monitoring tools to detect counterfeit products online and implementing notice and takedown procedures in collaboration with e-commerce platforms to quickly remove infringing listings. The KIPO IP Police conducts investigations and works with other law enforcement agencies to prosecute offenders. Public-private partnerships also play a crucial role in sharing intelligence and improving enforcement strategies.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting? (Scale: 1(Very ineffective) to 5(Very effective))

(5) Very effective

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5 with 1 being the most significant challenge)

[3] Cross-border enforcement issues

[3] Rapid technological changes

[4] Limited resources (human, financial, technological)

[4] Lack of cooperation from e-commerce platforms

[1] Inadequate legal framework

2.2. Is there any other barrier or difficulty different from the aforementioned that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment?

One additional barrier is the challenge of continuously adapting enforcement strategies to keep up with the evolving tactics of counterfeiters. Counterfeiters frequently change their methods and use various digital tools to avoid detection, making it difficult to implement effective long-term enforcement policies. Moreover, public awareness of the importance of intellectual property rights and the risks associated with counterfeit goods remains a challenge. Consumer education and awareness campaigns are essential but require ongoing effort and resources to be effective. Increasing public understanding and encouraging responsible consumer behavior are crucial components of a comprehensive IP enforcement strategy.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Yes. In the Republic of Korea, online trademark counterfeit infringements are enforced through a combination of administrative, civil, and criminal mechanisms. Administrative actions can include fines and orders to cease infringing activities issued by authorities like KIPO. Civil litigation allows trademark owners to seek damages and injunctions against counterfeiters. Criminal prosecution is

used for severe cases, where offenders can face imprisonment and substantial fines.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil, and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
KIPO IP Police		https://www.ippolice.go.kr/	Responsible for administrative and criminal enforcement in collaboration with the National Police Agency. Conducts initial investigations of criminal cases before referring them to the Prosecutor's Office for prosecution.
Patent Court		https://patent.scourt.go.kr/	Handles civil cases and appeals related to IP rights. Also oversees criminal cases involving trademark counterfeiting when referred by the Prosecutor's Office.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g., customs authorities, local governments, public prosecutors, courts, police, etc.)?

Yes. The KIPO IP Police coordinates closely with other public institutions, including the National Police Agency, public prosecutors, customs authorities, and local governments. This collaboration ensures effective enforcement of trademark rights by sharing intelligence, conducting joint investigations, and prosecuting cases of trademark counterfeiting. The coordination between these bodies enhances the overall effectiveness of combating trademark counterfeiting, especially in complex cases that require multi-agency involvement.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
IP Infringement Help Desk	KIPO IP Police	Offers a centralized service for reporting IP infringements and provides consultation for handling online trademark counterfeiting cases.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Raising Awareness on IP Rights Protection	KIPO	Educates SMEs and the public about IP rights and counterfeit risks through information sessions, online content, and public ads

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

In accordance with KIPO's communication guidelines, I am reluctant to list the specific name of an SME in this context. However, you will be able to obtain the necessary contact information through a separate survey that will be submitted by Korean trademark owners.

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

Yes. The Republic of Korea has formal cooperation agreements with major e-commerce platforms to combat trademark counterfeiting. These agreements include information sharing, implementing notice and takedown procedures, and coordinating enforcement actions to quickly detect and remove counterfeit listings. This collaboration helps to protect consumers and trademark owners from the risks associated with counterfeit products.

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (Select all that apply)

☒ Information sharing

☒ Joint enforcement operations

☒ Training and capacity building

☒ Development of best practices

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

Yes. The Republic of Korea coordinates efforts to combat trademark counterfeiting through cooperation between KIPO, the Internet Address Dispute Resolution Committee, and the Korea Internet & Security Agency (KISA). These bodies work together to monitor and address domain name disputes and protect trademark rights, including canceling domain names that misuse well-known trademarks.

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g., statistics, periodical audits, etc.)

Yes. The Republic of Korea uses several mechanisms to monitor and evaluate the effectiveness of collaborative activities with e-commerce platforms. These include collecting statistics on the number of counterfeit listings detected and removed, conducting periodical audits of enforcement actions,

and regular reviews of cooperation agreements to assess their impact. Reports and data from these evaluations help refine strategies and improve collaboration efforts.

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

Yes. In February 2022, a significant amendment to the Trademark Act was made, which took effect six months later. This amendment explicitly includes the online distribution of digital goods (e.g., games, applications, e-books) as a form of trademark “use,” equating it with traditional product distribution. By recognizing digital distribution as trademark use, the amendment enhances the protection of trademark rights online, ensuring that unauthorized use in digital spaces is treated as trademark infringement, similar to physical goods.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

No. Currently, there are no pending legislative proposals aimed specifically at enhancing enforcement capabilities against trademark counterfeiting in the digital environment.

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

Yes. Some barriers and regulatory limitations have been identified, including jurisdictional challenges when dealing with foreign-based platforms and offenders, the rapid evolution of digital technologies making it difficult to keep legal frameworks up to date, and limited resources for monitoring and enforcement across a vast number of online platforms.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment?

☐ Slows down enforcement actions

☐ Limits the ability to prosecute offenders

☒ Reduces deterrence against counterfeiters

☐ Increases operational costs for enforcement agencies

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

[2] Introduction of expedited legal processes

[2] Implementation of higher penalties for offenders

[2] Adoption of new technologies for enforcement

[2] Enhanced cooperation between regulatory bodies and the private sector

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

☐ Ex-officio (by the authorities on their own initiative).

☐ Only upon request by the rights holder.

☒ Both ex officio and upon request, depending on the situation.

5.7. What types of preliminary, precautionary, and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment?

| PRELIMINARY MEASURES | DEFINITIVE MEASURES |

| Notice and takedown of infringing content | Permanent injunctions against the infringer |

| Seizure of counterfeit goods | Destruction of counterfeit goods |

| Temporary injunctions | Imposition of fines and penalties |

| Blocking access to infringing websites | Public notices of infringement |

| Asset freezing orders | Monetary compensation and damages |

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

Yes, sometimes. In Republic of Korea, the requirement for a preliminary injunction bond is generally at the discretion of the court. It may be required to protect the defendant from potential losses if the injunction is later found to be unjustified. The decision to require a bond depends on the specific circumstances of each case, including the potential impact on the defendant.

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

☒ At the discretion of the authority.

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

☒ Harmonization of legal frameworks and standards

☒ Establishment of a central database for counterfeit reports

☒ Regular regional meetings and workshops for enforcement authorities

☒ Incentives for private sector collaboration

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the Past 5 Years, Approximately How Many Legal Actions to Combat Trademark Infringement in the Digital Environment Were Initiated Each Year?

	2019	2020	2021	2022	2023
--	------	------	------	------	------

Legal actions	376	617	557	372	234
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*Note: These numbers represent criminal bookings by the KIPO Trademark Police. Given that legal actions are managed by multiple agencies, gathering all the relevant data at this time is challenging. KIPO kindly requests your understanding.

6.2. Do You Know What Percentage of the Total Number of Trademark Infringement Cases in Your Economy These Legal Actions Represent?

No, KIPO does not have indicators to distinguish between online and offline infringements.

6.3. To the Best of Your Knowledge, What Is the Estimated Annual Volume of Goods or Services with Counterfeit Trademarks in Your Economy?

Category	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	Not specified	122,400 items	Various consumer goods including apparel, electronics, and pharmaceuticals

*Note: The exact monetary value is not provided. Also please note that these numbers represent seizures conducted by the KIPO Trademark Police in 2022. Since legal actions are handled by multiple other agencies, compiling all the relevant data at this time is challenging. KIPO kindly requests your understanding in this matter.

6.4. What Percentage of This Counterfeiting Do You Estimate Occurs in the Digital Environment?

KIPO does not have indicators to distinguish between online and offline infringements.

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

[3] Criminal proceedings

[2] Civil litigation

[1] Administrative procedures

[2] Alternative dispute resolution (e.g., mediation, arbitration)

[1] Other (please specify): Direct takedown requests to platforms

6.6. Please Rate These Legal Paths in Order of Effectiveness for Addressing Trademark Counterfeiting in the Digital Environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	N/A	1	2	3	4	5	Remarks
Criminal proceedings					✓		Effective for serious cases but can be complex and lengthy
Civil litigation					✓		Effective for obtaining remedies and injunctions, though often costly and time-consuming
Administrative procedures						✓	Highly effective for swift and efficient resolutions

Alternative dispute resolution				✓			Useful for some disputes, but may be less effective for broader enforcement
Others					✓		Very effective for immediate action against infringing listings

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Technologies/Tools	N/A	1	2	3	4	5	Remarks
AI-powered image recognition						✓	Effective for identifying counterfeit goods in images and product listings
Blockchain for traceability						✓	Useful for ensuring authenticity and tracking the origin of products
Big data analytics						✓	Enhances the ability to detect patterns and anomalies in counterfeiting activities
Automated web crawlers						✓	Effective for scanning online platforms for infringing content
IP trackers						✓	Useful for monitoring and managing intellectual property rights across digital platforms
Others							

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

AI is a hot topic these days, and the field of anti-counterfeiting is no exception. KIPO believes that AI solutions can play a significant role in combating the distribution of counterfeit goods in online markets. However, KIPO is also concerned about the emergence of more sophisticated counterfeiting techniques. In the digital environment, cross-border crimes have been increasingly observed, highlighting the need for APEC's collaboration to effectively address this issue.

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

In 2023, the Anti-Counterfeit Council achieved a significant milestone in combating digital trademark counterfeiting. Established in May 2014, the Council includes over 90 organizations, such as six government agencies, 60 trademark holders, and 25 online platforms. Through effective public-private cooperation, the Council facilitated the sharing of information on counterfeit distribution, allowing trademark holders to better identify counterfeit products and enabling online platforms to promptly block counterfeit selling sites. This coordinated approach led to the prevention of approximately 55,000 cases of counterfeit goods sales in 2023, saving an estimated 2.5 trillion KRW in consumer damages.

8.2. What do you consider to be the key factors that contributed to this success?

Strong collaboration among a diverse group of stakeholders, including government agencies, trademark holders, and online platforms, combined with efficient information sharing, enabled the identification and tackling of counterfeit products. These efforts were further supported by rapid response capabilities that allowed for the swift blocking of counterfeit selling sites. Together, these elements formed a comprehensive strategy that integrated resources, expertise, and technology, resulting in a significant impact on combating counterfeit activities.

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

Yes, the "Go for Real" campaign by the United States Patent and Trademark Office (USPTO) offers a meaningful example for other APEC members by effectively raising awareness about the dangers of counterfeit goods and promoting authentic purchasing behavior. This campaign underscores the importance of public education in reducing the demand for counterfeit products. Similarly, the Korean Intellectual Property Office (KIPO) runs several successful anti-counterfeiting campaigns that have proven to be highly effective. Adopting these models under the APEC framework could open opportunities for cooperation among member economies, allowing them to share resources, strategies, and best practices. This collaborative approach would strengthen digital enforcement and consumer education, protect consumers, ensure fair trade, and support intellectual property rights across the region.

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

☐ Lack of unified legal frameworks

☐ Differences in technological capabilities

☒ Insufficient information sharing mechanisms

☐ Inconsistent enforcement priorities

☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (Rank from 1 to 5 with 1 being the most beneficial)

[3] Advanced digital forensics and investigation techniques

[3] Use of AI and machine learning for trademark protection

[5] Best practices in cross-border enforcement collaboration

[3] Legal and regulatory updates on IP enforcement

☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

Yes, the Republic of Korea has participated in the WIPO Advisory Committee on Enforcement and received training provided by INTERPOL and local agencies in Korea.

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

The effectiveness of training and capacity-building programs is assessed by evaluating the improvements in enforcement capabilities and the practical application of newly acquired skills. Key indicators include enhanced problem-solving abilities, increased efficiency in handling cases,

and successful implementation of advanced techniques learned during the training. Additionally, feedback from participants and tracking the progress in enforcement outcomes help gauge the impact and relevance of these programs.

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

APEC economies can enhance digital enforcement capabilities through increased sharing of best practices and successful case studies. Fostering greater cross-border collaboration and establishing joint task forces can improve coordination in tackling global counterfeiting issues. Regularly organized workshops and joint training sessions would also strengthen the collective knowledge and technical skills of enforcement authorities across member economies. Such efforts ensure a more unified approach to combating digital IP infringements and create a stronger, more cohesive regional enforcement network.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

[2] Collaborative development of monitoring tools

[2] Shared intelligence and data analytics

[1] Joint enforcement operations and task forces

[1] Public awareness and education campaigns

[] Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

I think the most urgent areas for improvement are enhancing public awareness and engagement. Since counterfeit markets thrive on consumer demand, scaling up public education programs is crucial. Educating consumers about the risks of counterfeit products and encouraging active participation in reporting such activities through user-friendly platforms can significantly curb the market for counterfeit goods. These measures will help strengthen enforcement efforts and make them more effective in combating counterfeiting.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

Yes, I think engaging users and increasing transparency are key strategies. For example, the Anti-Counterfeit Council, which includes over 90 entities such as government agencies, online platform providers, and trademark owners, exemplifies successful collaborative enforcement. Additionally, targeted IP respect campaigns focusing on specific user groups are effective in raising awareness. These approaches will help develop more robust digital trademark protection strategies.

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Yes, I think the COVID-19 pandemic has significantly impacted trademark counterfeiting dynamics by

accelerating the shift to online shopping. This increase in e-commerce has created more opportunities for counterfeiters, especially in sectors like health and safety products, where counterfeiters exploit heightened consumer demand and fears. The pandemic has highlighted the need for enhanced digital enforcement mechanisms to address these evolving challenges.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

Recently, KIPO expanded its reward system for reporting online counterfeit products. This system encourages public involvement by incentivizing individuals to report counterfeit activities, which is crucial for managing the increased risks during the pandemic. These measures help address immediate threats and enhance the effectiveness of digital trademark protection strategies.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

Yes.

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

I think the Guidebook should include best practices for cross-border enforcement cooperation, detailed guidelines on using AI and blockchain technology, and strategies for working with e-commerce platforms and domain operators. These additions would provide practical insights and guidance for managing digital counterfeiting challenges effectively.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

I think the guidebook could be more supportive by offering practical tools and templates for enforcement actions, such as standardized notice and takedown procedures, and providing training modules for capacity building in digital IP enforcement techniques. These resources would help ensure consistent and effective application of best practices across jurisdictions.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

One final comment: KIPO would like to emphasize the importance of public-private partnerships in tackling digital trademark counterfeiting. KIPO has been collaborating with online platform providers and trademark holders through the Anti-counterfeit Council. We believe this is an excellent example of effective cooperation, and we are eager to share this model with other APEC members. This project publication serves as a valuable channel for dissemination. In collaboration with trademark owners who have benefited from the Council, KIPO will be submitting an additional document that provides more details about our Anti-counterfeit Council. Please feel free to contact us for further inquiries or additional information.

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: MEXICO

Name of the Institution: xxxxxxxxxxxxxxxxxxxx

Name of the person responsible for completing the survey: xxxxxxxxxxxxxxxxxxxx

Position held at the institution: N/A

Years of experience related to IP enforcement: N/A

Email: xxxxxxxxxxxxxxxxxxxx

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please provide the name, year of implementation and links if available: **The applicable law regarding the implementation of measures to combat trademark counterfeiting in the digital environment is the Federal Law on the Protection of Industrial Property (LFPPI) with an application date of November 5, 2020.**

Said Law, in its Sixth and Seventh Titles, stipulate an administrative procedure carried out in the form of a trial through which provisional measures can be implemented so that the alleged offenders stop committing conduct that violates industrial property rights in the digital environment, including trademarks.

A specific provisional measure in the digital environment is provided for in art. 344 section VII of the Federal Law on the Protection of Industrial Property.
<https://www.diputados.gob.mx/LeyesBiblio/ref/lfppl.htm>

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

☐ Online monitoring systems

☒ Notice and takedown procedures

☐ Digital forensics

☐ Collaboration with e-commerce platforms

☒ Consumer education programs

☐ Others (please specify):

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment: **In the legal field, the most effective measures we have to combat trademark counterfeiting in the digital environment are provisional measures or precautionary measures that are applied to alleged infringers, as long as the applicant for said measure complies with the requirements. minimums established in the LFPPI.**

Through said provisional measure, the alleged offender is ordered to suspend, block, remove the contents or cease the acts that constitute a violation through any virtual, digital or electronic means, known or to be known.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) ____; (4) **X**; (5) ____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

[1] Rapid technological changes

- [4] Cross-border enforcement issues
- [5] Limited resources (human, financial, technological)
- [2] Lack of cooperation from e-commerce platforms
- [1] Inadequate legal framework
- [3] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*): **An important obstacle to combating trademark counterfeiting in the digital environment is when the alleged infringer cannot be identified, that is, the owner of the respective domain name, website or user of the digital platform where the violation is taking place to the brand.**

That is relevant because the registrants of said electronic measurements are NOT real people (natural or legal), but sometimes they are just fictitious names. So the fact that the minimum requirements that the Law considers to be able to issue a provisional measure against a specific person are not met, since in accordance with Mexican laws, whenever a procedure for administrative declaration of infringement is initiated or provisional measures are imposed, the alleged offender must be informed; however, the anonymity of the person responsible poses a serious problem for observing due process.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe: **They are carried out particularly through two forms: administrative and criminal.**

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
Mexican Institute of Industrial Property	Periférico Sur 3106, Jardines del Pedregal, Demarcación Territorial Álvaro Obregón, 01900 Ciudad de México Tel: 5556240400	https://www.gob.mx/mpi	It is the administrative authority in matters of industrial property, which has within its powers the observance, investigation and processing of administrative violations in the matter.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

[] No
☒ Yes

If yes, please briefly describe: In the case of merchandise of foreign origin, which arrives at Mexican customs; Provisional measures can be applied, for which the IMPI orders the Provisional Measure and communicates it to Customs so that said measure is jointly applied with the personnel of both authorities and in this way suspend the circulation of the merchandise that allegedly results violation of industrial property rights. Said merchandise cannot be shipped until the administrative declaration of infringement procedure is resolved, and it is determined whether or not the industrial property right was violated.

With the Attorney General's Office of the Republic, through the issuance of technical opinions by the IMPI, so that the Public Ministry of the Federation can request the exercise of criminal action.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

This Institute has no information about it.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

This Institute has no information about it.

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

This Institute has no information about it.

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☐ No
☒ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
MERCADO LIBRE	AVENIDA ISURGENTES SUR, NÚMERO 1602, PISO 9, COLONIA CRÉDITO CONSTRUCTOR, ALCLADÍA BENITO JUÁREZ, CÓDIGO POSTAL 03940, CIUDAD DE MÉXICO.	Its main objective is to lay the foundations for collaboration between the Mexican Institute of Industrial Property and the Mercado Libre electronic commerce platform, for the purpose of developing actions to safeguard trademark rights holders against violations on the electronic commerce site.

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (Select all that apply)

- ☒ Information sharing
☒ Joint enforcement operations
☐ Training and capacity building
☐ Development of best practices
☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☒ No
☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

- ☒ No
☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide details: **A new Law was created that regulates industrial property in 2020, which is the FEDERAL LAW FOR THE PROTECTION OF INDUSTRIAL PROPERTY (LFPPI) that came into force on November 5, 2020.**

In this Law, mechanisms were created to attack trademark counterfeiting in the digital environment, such as Provisional Measures, as well as inspection visits on digital platforms.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☒ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment? **It would be important to regulate the issue of ownership of domain names, from the moment they are registered, to be able to determine the owners of the web pages or of any user of digital platforms, where the obligation to identify themselves with a real name and not fictitious to the person who is operating said sites.**

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- [1] Slows down enforcement actions
- [2] Limits the ability to prosecute offenders
- [4] Reduces deterrence against counterfeiters
- [3] Increases operational costs for enforcement agencies
- [] Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- [3] Introduction of expedited legal processes
- [1] Implementation of higher penalties for offenders
- [1] Adoption of new technologies for enforcement
- [1] Enhanced cooperation between regulatory bodies and the private sector
- [] Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- [] Ex-officio (by the authorities on their own initiative).
- [] Only upon request by the rights holder.
- [X] Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation: **Most of the procedures initiated to combat trademark counterfeiting in the digital environment are at the request of a party.**

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES

The LFPPI in its article 344 section VII, provides for the following measures that can be both provisional and definitive (at the time of issuing a resolution that ends the procedure):

- suspend acts that violate a brand in the digital environment
- blocking content that violates a brand in the digital environment
- removal of content that violates a brand in the digital environment
- Cessation of any act that violates a brand in the digital environment

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- [] No, never:
- [] Yes, sometimes.
- [X] Yes, always.

If so, please provide any additional context or explanation: **The bond turns out to be a procedural requirement established by the Law, on the part of the applicant for the measure, in the case of requesting the application of provisional measures.**

The counter-bond is necessary if the alleged offender wants the provisional measure to be lifted, as long as he or she complies with the other requirements established by the Law.

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
- ☐ Percentage of the estimated damage.
- ☐ At the discretion of the authority.
- ☐ Based on the value of the authentic goods.
- ☒ Other (please specify):

To determine the amount, the elements found in the file that were provided by the applicant must be considered, such as:

**The type of goods or services on which the provisional measure will be imposed;
In the case, the number of products,
The type of physical or virtual establishment,
The approximate value of the products or services,
The provisional measures requested be applied.**

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
- ☒ Establishment of a central database for counterfeit reports
- ☒ Regular regional meetings and workshops for enforcement authorities
- ☐ Incentives for private sector collaboration
- ☐ Other (please specify): _____

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions	1,448	516	689	985	1,102

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
- ☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy? **Within the procedures for administrative declaration of infringement in matters of Intellectual Property presented during the year 2023, the IMPI provided attention to the applicants for the provisional measures and prevented products labeled as apocryphal from reaching commerce, for which the assurance was carried out. of 1,470,134 products**

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	1,116,544.90	1,470,134	Electrical, electronic and household appliances; wines and tobacco; toys among others.

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

There is no defined percentage, however, it can be determined that the number of actions in the digital environment has been increasing.

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- ☐ Criminal proceedings
- ☐ Civil litigation
- ☒ Administrative procedures
- ☐ Alternative dispute resolution (e.g., mediation, arbitration)
- ☐ Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings					X	
Civil litigation		X				
Administrative procedures						X

Alternative dispute resolution (arbitration, mediation, etc.)				X		
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts? **As an authority, there is no specific technology tool given that blocking orders are ordered to internet service providers.**

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.	X					
Blockchain for traceability.	X					
Big data analytics.	X					
Automated web crawlers.	X					
IP trackers.	X					
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment? **A database from which websites, platforms or users that have already been infringers in other latitudes are reported.**

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy: **There are still no cases that can be public.**

8.2. What do you consider to be the key factors that contributed to this success? **Have complied with the requirements established by the Law and that the authority issued the official letters for the application of measures as soon as possible.**

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☒ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☐ Inconsistent enforcement priorities
☐ Other (please specify): **Have a small number of staff.**

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- [3] Advanced digital forensics and investigation techniques
[4] Use of AI and machine learning for trademark protection
[2] Best practices in cross-border enforcement collaboration
[1] Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☒ No
☐ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs? **It is unknown.**

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them? **Sharing best practices, create databases and collaboration agreements.**

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

- [2] Collaborative development of monitoring tools
[3] Shared intelligence and data analytics
[1] Joint enforcement operations and task forces
[4] Public awareness and education campaigns
☐ Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy? **E-commerce platforms and social networks.**

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☒ No
☐ Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy? **YES, since there was a greater boom in electronic commerce, without respecting intellectual property rights.**

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No
☒ Yes

If yes, please briefly describe: **The creation of the LFPPI, with provisional measures in the digital environment. Likewise, greater speed is expected to address matters related to provisional measures, as well as administrative infractions regarding violations of trademark rights on digital platforms.**

Finally, greater awareness programs through the social networks of the Mexican Institute of Industrial Property, which are focused on consumers learning the risks of using apocryphal products, both to the economy and to their assets and well-being.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No
☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement? **The notice and withdrawal system.**

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces? **Sharing information with organizations from other latitudes.**

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study: **It would be important to know the way of operating of various authorities so that, to the extent that is materially and legally possible, actions are carried out to strengthen the fight against counterfeiting.**

Survey for Research and Data Collection: Please completed and send it back no later than 19 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: PAPUA NEW GUINEA

Name of the Institution: xxxxxxxxxxxxxxxxxxxx

Name of the person responsible for completing the survey: xxxxxxxxxxxxxxxxxxxx

Position held at the institution: xxxxxxxxxxxxxxxxxxxx

Years of experience related to IP enforcement: NIL

Email: xxxxxxxxxxxxxxxxxxxx

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

Cybercrime Code Act 2016 – the provisions in there are not specific to trademark counterfeiting. The provisions directly address infringement of registered trademarks.

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☐ Online monitoring systems
☐ Notice and takedown procedures
☐ Digital forensics
☐ Collaboration with e-commerce platforms
☐ Consumer education programs
☒ Others (please specify):

Have established a legal and regulatory framework (Cybercrime Code Act 2016) defining the obligations of ICT Service Providers, whereby the responsibility and or liability for crimes committed by users of their services should be restricted where necessary.

Government has established a specialized Cybercrime Investigative Unit to refer cybercrime complaints for investigation and prosecution.

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

Generally speaking, it would be Cooperation, collaboration and sharing of knowledge and information between the specialized Cybercrime Investigative Unit, the Transnational Crime Unit, other law enforcement agencies and other stakeholders.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) 1 ; (2) ; (3) ; (4) ; (5) **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- [1] Rapid technological changes
- [2] Cross-border enforcement issues
- [4] Limited resources (human, financial, technological)
- [5] Lack of cooperation from e-commerce platforms
- [3] Inadequate legal framework
- [6] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

Lack of awareness on the importance of combating trademark counterfeiting between relevant government departments and instrumentalities responsible in different areas of ecommerce, cybercrime polices and IP polices to engage in co-ordinated activities to design and implement digital IP enforcement polices.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

There has not been an cases of enforcement of online trademark counterfeit. However if there is one It would be through criminal mechanism as there is a specific Legislation criminalizing certain acts or conduct, as well as providing an appropriate procedural framework enabling law enforcement agencies to investigate and effectively prosecute such crimes in Court.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
Cybercrime unit Royal Constabulary of Papua New Guinea		Royal Papua New Guinea Constabulary – Securing a safer community in partnership (rpngc.gov.pg)	

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

☐ No
☒ Yes

If yes, please briefly describe:

They are investigations so they would have to coordinate with the prosecutions and customs authorities.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment? **No**

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs? **No**

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

--	--	--

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

- ☒ No
☐ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

- ☐ Information sharing
☐ Joint enforcement operations
☐ Training and capacity building
☐ Development of best practices
☐ Others (please specify): _____

PNGs e-commerce strategy and roadmap is still in validation process.

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☒ No
☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☒ No
☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

☒ No
☐ Yes

If yes, please provide details:

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

☒ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

No barriers. Just lack of IP professionals, awareness and education amongst key Government stakeholders.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
- ☐ Limits the ability to prosecute offenders
- ☐ Reduces deterrence against counterfeiters
- ☐ Increases operational costs for enforcement agencies
- ☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ Introduction of expedited legal processes
- ☐ Implementation of higher penalties for offenders
- ☐ Adoption of new technologies for enforcement
- ☒ Enhanced cooperation between regulatory bodies and the private sector
- ☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
- ☒ Only upon request by the rights holder.
- ☐ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
-	-

-	-
-	-
-	-
-	-

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never:
☐ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☐ Harmonization of legal frameworks and standards
☐ Establishment of a central database for counterfeit reports
☐ Regular regional meetings and workshops for enforcement authorities
☐ Incentives for private sector collaboration
☐ Other (please specify):

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year? **NIL**

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- ☐ 3 Criminal proceedings
☐ 4 Civil litigation
☐ 1 Administrative procedures
☐ 2 Alternative dispute resolution (e.g., mediation, arbitration)
☐ Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”*). **PNG has not had any enforcement cases on online trademark counterfeit.**

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						
Civil litigation						
Administrative procedures						
Alternative dispute resolution (arbitration, mediation, etc.)						
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts? **NIL**

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.						
Blockchain for traceability.						
Big data analytics.						
Automated web crawlers.						
IP trackers.						

Others (please specify):						
---------------------------------	--	--	--	--	--	--

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

8.2. What do you consider to be the key factors that contributed to this success?

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- [] No
[] Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

☒ Lack of unified legal frameworks

☒ Differences in technological capabilities

☐ Insufficient information sharing mechanisms

☐ Inconsistent enforcement priorities

☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

☐ 1 Advanced digital forensics and investigation techniques

☐ 4 Use of AI and machine learning for trademark protection

☐ 2 Best practices in cross-border enforcement collaboration

☐ 3 Legal and regulatory updates on IP enforcement

☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

☒ No

☐ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Legal and regulatory updates on IP enforcement
Regional cooperation on capacity building

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

☐ [2] Collaborative development of monitoring tools

☐ [3] Shared intelligence and data analytics

☐ [4] Joint enforcement operations and task forces

☐ [1] Public awareness and education campaigns

☐ [] Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Training of law enforcement agents and stakeholders.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☒ [x] No

☐ [] Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

No

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☒ No

☐ Yes

If yes, please briefly describe:

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☒ No

☐ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

One of the main challenges is the admissibility of electronic evidence in the Courts to successfully prosecute offences. Very often, the ability to successfully identify and prosecute an offence is dependent on the expeditious preservation, collection and evaluation of electronic evidence. Attention could be given to the collection of electronic evidence that requires the modification or introduction of new investigatory procedures and techniques.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

It would be helpful in giving us some guidelines on some of the measures we could implement in our economy. Such as the;

Online monitoring systems

Notice and takedown procedures

Digital forensics

Collaboration with e-commerce platforms

Consumer education programs

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Perú

Name of the Institution: Indecopi

Name of the person responsible for completing the survey: [REDACTED]

Position held at the institution: [REDACTED]

Years of experience related to IP enforcement [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

On September 7, 2018, Legislative Decree No. 1397 was published, which amends Legislative Decree No. 1075. Among other aspects, it introduces paragraph (e) to Article 115 of this legal norm, implementing the possibility of requesting the adoption of collaboration measures to prevent the continuation or perpetration of acts carried out by third parties that involve unauthorized use of elements protected by industrial property.

Based on the aforementioned law, it has been possible to require internet service providers, administrators of e-commerce platforms, social networks, domain name registrars, among others, to adopt measures to prevent the continuation or perpetration of trademark infringement acts by third parties.

The law can be found at the following link:

<https://cdn.www.gob.pe/uploads/document/file/1664721/DL%201075.pdf.pdf?v=1613011875>

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☐ Online monitoring systems
☐ Notice and takedown procedures
☐ Digital forensics
☒ Collaboration with e-commerce platforms
☐ Consumer education programs
☒ Others (please specify):

The Technical Secretariat of the Distinctive Signs Commission has a team that conducts inspections on e-commerce platforms regarding products that include the Appellation of Origin Pisco, as well as products marked with distinctive signs that imitate registered trademarks, which could endanger public safety, health, and life, as well as the best interests of children. The goal is to request and/or remove listings offering such products.

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

Below are the main actions carried out by the Distinctive Signs Commission regarding digital enforcement of industrial property rights and their objectives:

- The Technical Secretariat of the Distinctive Signs Commission has a team dedicated to the digital enforcement of distinctive signs. Its purpose is to monitor major e-commerce platforms to detect infringements of rights over distinctive signs, whether owned by the Peruvian State or by third parties, with an emphasis on the Appellation of Origin Pisco and products that may pose a risk to consumer safety, health, and life.

- Digital enforcement is carried out in collaboration with internet service providers, administrators of e-commerce platforms, social networks, domain name registrars, among others, either by requiring or urging them to act or by managing the active and voluntary cooperation of such agents. For example, with Mercado Libre, Indecopi has signed a cooperation agreement that has allowed the organization to provide the authority with the information it manages. This has enabled rapid removal of listings offering counterfeit products and the provision of data to identify those responsible for the ads, facilitating their prosecution for trademark infringement.

Additionally, there is an expectation to sign new agreements with other e-commerce platforms or marketplaces, with the aim of promoting a compliance policy within the private sector and making them allies in advancing respect for industrial property rights.

- The legal modification introduced through Legislative Decree No. 1397, mentioned at the beginning of this survey, was made to allow the request of virtual establishment administrators to adopt collaboration measures to prevent the sale of counterfeit products by third parties affiliated with their establishments. It should be noted that this power to request the adoption of measures from collaborating third parties is not limited to virtual establishments but is also applicable to physical establishments.

This measure has encouraged platform administrators to remove content or applications from third parties that infringed upon distinctive signs, in response to the authority's collaboration requests.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) ____; (4) **X**; (5) ____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- [4] Rapid technological changes
- [5] Cross-border enforcement issues
- [2] Limited resources (human, financial, technological)
- [3] Lack of cooperation from e-commerce platforms
- [6] Inadequate legal framework
- [1] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

The main challenges are:

- Difficulty in identifying the person responsible for the sale of counterfeit products through e-commerce, as their identity is not always revealed or recorded in the listings where the products are offered. Additionally, since sales through digital means can be conducted from anywhere in the world, locating and notifying the alleged infringer is a significant challenge.

- The person responsible for selling counterfeit goods may be located in a different economy, and even if they have been identified and notified of the complaint, it is often not possible to enforce the authority's decisions regarding the infringement, such as collecting fines or issuing cease-and-desist orders.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:


There is the possibility of filing a complaint with the administrative authority or reporting the commission of a crime to the Public Prosecutor's Office.

In the administrative context, the competent authority to address administrative violations related to industrial property rights, specifically concerning distinctive signs, is the Distinctive Signs Commission of Indecopi.


In the criminal context, it is considered a crime to use or sell goods bearing registered trademarks without authorization. The criminal route is typically reserved for cases of greater significance, whether due to the monetary amount involved or the severity of the conduct's effects.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

At the administrative level:

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
	rgastello@indecopi.gob.pe 2247800, extension 2101	www.indecopi.gob.pe	Technical Secretary of the Distinctive Signs Commission. On behalf of the Commission, it primarily prosecutes infringement cases and issues provisional measures.

In the criminal sphere, we can highlight the following authority, which collaborates with other working groups such as the Anti-Customs Fraud and Piracy Commission:

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
	Head of the 3rd Specialized Prosecutor's Office for Smuggling and Intellectual Property Crimes in Lima		Responsible for prosecuting smuggling, counterfeiting, and piracy within their jurisdiction.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

[] No
[X] Yes

If yes, please briefly describe:

Indecopi has a collaboration agreement with the National Superintendency of Customs and Tax Administration (SUNAT), with whom it works in coordination to prevent the import or export of counterfeit products.



On the other hand, the Public Prosecutor's Office requests technical reports from the Directorate of Distinctive Signs before issuing an accusation or opinion on crimes related to industrial property.

In addition to the above, when necessary, the collaboration of the National Police of Peru has been requested to carry out inspections at physical establishments.

Finally, there are other working groups dedicated to combating counterfeiting and related issues, such as the Anti-Customs Fraud and Piracy Commission (CLCDAP) and the Multisectoral Technical Group for the Prevention and Combating of Smuggling, Illegal Trade, and Counterfeiting of Pharmaceutical Products and Related Goods (Contrafalme).

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

We do not have programs or initiatives solely dedicated to combating trademark counterfeiting in the digital environment; however, we can refer to the Anti-Customs Fraud and Piracy Commission and Contrafalme, two multisectoral working groups aimed at preventing and combating actions against intellectual property. These groups serve as important allies in these matters.

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Anti-Customs Fraud and Piracy Commission	 hvila@produce.gob.pe https://www.produce.gob.pe/index.php/clcdap/quienes-somos/30-clcdap	An entity composed of 16 public and private institutions, it guides the actions and recommendations to be implemented by the competent institutions, establishing a domestic strategy to counteract customs crimes and intellectual property offenses. It continuously supervises the execution of these actions by the responsible entities to eliminate and/or reduce the occurrence of these crimes, benefiting the formal industry, the consuming public, and the treasury.
CONTRAFALME	 mmendocilla@minsa.gob.pe Director General of the General Directorate of Medicines, Supplies, and Drugs (DIGEMID)	The Multisectoral Technical Group for the Prevention and Combat of Smuggling, Illegal Trade, and Counterfeiting of Pharmaceutical Products and Related Goods (GTM/CONTRAFALME) involves 17 public and private institutions engaged in the issue and operates under the guidelines of the National Medicines Policy. CONTRAFALME aims to promote the application of concepts and legal regulations related to the counterfeiting of medicines, with the goal

		of combating and penalizing the illegal trade of counterfeit drugs, as well as medical devices and sanitary products. CONTRAFALME is chaired by the Director General of the General Directorate of Medicines, Supplies, and Drugs (DIGEMID).
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3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
2024 Annual Inspection Plan of INDECOPI	INDECOPI	As part of INDECOPI's 2024 Annual Inspection Plan, the Distinctive Signs Commission is committed to conducting both virtual and physical inspections, with a focus on various sensitive issues for Peru. This includes cases that could impact the best interests of children, such as the counterfeiting of electrical products or toys.

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

In this regard, it is important to note that children, as a vulnerable group, do not have concentrated representation. In this sense, the Technical Secretariat of the Distinctive Signs Commission acts on their behalf, given the high public interest and in observance of the best interests of the child.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

[] No
[X] Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
Mercado Libre	[REDACTED]	Collaboration agreement signed in March 2020. Mercado Libre supports Indecopi in combating the misuse of intellectual property rights by helping to remove listings of infringing products and providing information about the seller.

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☒ Information sharing

☒ Joint enforcement operations

☐ Training and capacity building

☐ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

☒ No

☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☐ No

☒ Yes

If yes, please briefly describe the method used:

The Mercado Libre platform, through the Brand Protection program, provides statistics by seller, product types, quantity of products sold or in stock, and location.

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please provide details:

As mentioned previously, Legislative Decree No. 1397, which amends Legislative Decree No. 1075, is enabling measures to be taken against counterfeiting concerning those who manage virtual (and physical) establishments where third parties conduct their commercial activities.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☒ No
☐ Yes

If yes, please briefly describe:

The Bill for the Strengthening of the Intellectual Property Enforcement System is being developed, which, among other aspects, aims to incorporate the experience gained in digital enforcement post-pandemic.

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

Regulatory limitations exist because virtual monitoring may involve cross-border issues; therefore, even if the alleged infringer is identified and can be prosecuted, it is often not possible to enforce the authority's decision if they are located outside the jurisdiction.

Additionally, in principle, platforms are not responsible for the products sold by their affiliated vendors unless they fail to comply with or disregard the collaboration mandate issued by INDECOPI. In this regard, it is essential to highlight the perspective of private organizations such as Mercado Libre, which have a genuine and proactive interest in developing collaborative policies and actions to position their reputation as a responsible e-commerce platform providing original products to consumers. However, this perspective is not shared by the majority of internet service providers, administrators of e-commerce platforms, social networks, domain name registrars, among others.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☒ Slows down enforcement actions
☐ Limits the ability to prosecute offenders
☐ Reduces deterrence against counterfeiters
☐ Increases operational costs for enforcement agencies
☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ Introduction of expedited legal processes
☐ Implementation of higher penalties for offenders
☐ Adoption of new technologies for enforcement
☐ Enhanced cooperation between regulatory bodies and the private sector
☐ Other (please specify): Alignment of legal frameworks in APEC economies to adopt cross-border measures considering the extraterritoriality of infringements in the digital environment.

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☐ Only upon request by the rights holder.
☒ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

In the case of the Distinctive Signs Commission, ex officio procedures are initiated when dealing with signs owned by the Peruvian State, such as products that improperly use the Appellation of Origin Pisco. Additionally, when it concerns third-party trademarks, action is often taken ex officio when the products could pose a risk to the health or safety of individuals, particularly children.

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? *(Please, provide a list of the five more relevant measures)*

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none">- Removal of listings ordered to the seller- Removal of listings ordered to the virtual establishment administrator or person responsible for their removal- Cease-and-desist injunction ordered to the alleged infringer- Seizure of the allegedly infringing products- immobilization of the allegedly infringing products	<ul style="list-style-type: none">- Prohibition of use of the infringing sign- Permanent seizure of products, if applicable- Sanction (fine or warning)

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☒ No, never:
☐ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
☒ Establishment of a central database for counterfeit reports

☒ Regular regional meetings and workshops for enforcement authorities

☒ Incentives for private sector collaboration

☒ Other (please specify): _____

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions	1	2	101	0	55

The actions are related to procedures initiated ex officio.

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

☐ No

☒ Yes

If yes, please provide the percentage and details:

	2019	2020	2021	2022	2023
Legal actions	0.08 %	0.25 %	8.79 %	0	4.77 %

The percentage corresponds to the total number of cases processed by the Infractions Area of the Technical Secretariat of the Distinctive Signs Commission.

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

We do not have information that allows us to estimate the annual volume of counterfeit goods and services in Peru. However, we can provide estimated values for the electrical sector (which includes products such as copper electrical conductors, wires, circuit connections, switches, relays, etc.), provided by INDECO for the year 2023.

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	41 308,110.14		

It is worth adding that the commercialization of counterfeit products also negatively impacts the formal workforce, tax revenue, health and safety risks, environmental costs, among other factors.

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

This information is not available, as the digital environment presents many measurement challenges. However, based on INDECOPI's experience, two things are observed: i) the online market post-pandemic shows significant and progressive growth, to the extent that it has become an essential means of competing in commerce; and ii) many trademark holders (represented by lawyers) have primarily focused their efforts on the physical market. This is evident from the digital enforcement alerts sent to these representatives, aimed at providing them with information to initiate actions on their part. To date, no private actions have been taken, while the Technical Secretariat has been actively pursuing ex officio actions, prioritizing products of high public interest (those that could affect consumer safety, health, life, and the best interests of children).

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

[3] Criminal proceedings

[4] Civil litigation

[1] Administrative procedures

[2] Alternative dispute resolution (e.g., mediation, arbitration)

[2] Other (please specify): Conciliation (as an alternative dispute resolution)

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings			X			
Civil litigation	X					
Administrative procedures					X	
Alternative dispute resolution (arbitration, mediation, etc.)					X	
Others (please specify):					X	

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.	X					
Blockchain for traceability.	X					
Big data analytics.	X					
Automated web crawlers.	X					
IP trackers.	X					
Others (please specify): Direct oversight of listings on platforms or marketplaces by the Digital Enforcement Team of the Technical Secretariat of the Distinctive Signs Commission			X			

It should be noted that, currently, we do not have technologies for law enforcement in the realm of digital monitoring. However, we have managed to have listings removed, both within the framework of the agreement with Mercado Libre and outside of it, as part of the oversight conducted by the Digital Enforcement Team of the Distinctive Signs Commission. Nevertheless, we lack sufficient human and technological resources, resulting in a minimal impact compared to the large number of counterfeit products currently being sold online.

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

Economies can facilitate access to technical resources and specialized assistance, potentially including the provision of advanced technology and technical support for less resourceful economies, in order to enhance their capabilities for law enforcement in the digital environment.

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

In November 2020, case No. 872886-2020, a verification was carried out on the website www.mercadolibre.com.pe, randomly checking various offers for masks, medications, detergents, electrical conductors, switches, and sockets where registered trademarks were used, with the aim of reviewing the different listings in the digital environment.

As a result of the verification, 47 listings for products (toys, masks, electrical products) were recorded. This led to the issuance of a precautionary measure requiring Mercado Libre S.R.L. to adopt collaborative measures to prevent the use of the registered trademarks INDECO, B-TICINO, LEGO, STAR WARS, and LOL in connection with the products under investigation.

Subsequently, the search for listings related to toys was expanded, revealing 103 listings offering toys with various allegedly infringing trademarks. A precautionary measure was issued requiring Mercado Libre S.R.L. to implement collaborative measures to prevent the use of the registered trademarks 3M, LEGO, MY LITTLE PONY, and LOL.

The Mercado Libre platform removed all the inspected listings and provided information on the identity of the advertisers to facilitate actions against each seller offering their products through the platform.

Finally, ex officio complaints were filed against each of the sellers of the investigated products, and appropriate sanctions were imposed on each by the Distinctive Signs Commission.

8.2. What do you consider to be the key factors that contributed to this success?

- The interinstitutional cooperation between INDECOPI and Mercado Libre, including the platform's willingness to maintain continuous and ongoing communication with INDECOPI.
- The immediate removal of infringing listings by Mercado Libre.
- The information provided by the platform regarding advertisers who may be infringing trademark rights on products that could pose risks to the health and safety of individuals and children.

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

☒ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
- ☒ Differences in technological capabilities
- ☒ Insufficient information sharing mechanisms
- ☐ Inconsistent enforcement priorities
- ☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- ☐ [1] Advanced digital forensics and investigation techniques
- ☐ [3] Use of AI and machine learning for trademark protection
- ☐ [2] Best practices in cross-border enforcement collaboration
- ☐ [4] Legal and regulatory updates on IP enforcement
- ☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☒ No
- ☐ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

We believe that cooperation should be encouraged through forums and specialized working groups focused on digital enforcement. These will help establish partnerships for better coordination and response to the challenges associated with the increasing online commercialization of counterfeit products.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

- ☐ [1] Collaborative development of monitoring tools
- ☐ [2] Shared intelligence and data analytics

[3] Joint enforcement operations and task forces

[1] Public awareness and education campaigns: Awareness and education are always fundamental; however, we assign it a score of 1, along with the collaborative development of monitoring tools.

[] Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

- Strengthen monitoring capabilities on e-commerce platforms and social media to identify the promotion and sale of counterfeit products, as well as improve collaboration from these actors. Enhancing detection in these spaces is crucial.
- Optimize collaboration among government entities, e-commerce platforms, social media, marketplaces, and trademark holders to share information and coordinate efforts in the fight against counterfeiting. The creation of databases could be beneficial.
- Implement programs to educate consumers and businesses about the importance of respecting industrial property rights.
- Develop and adopt advanced technologies for detecting counterfeits, such as using artificial intelligence and machine learning to analyze large volumes of data and identify patterns associated with counterfeit products.
-

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

[] No

[X] Yes

If yes, please briefly describe:

A program is under review and development with the goal of authorizing certain businesses to use a state certification mark, signaling their commitment to combating the sale of counterfeit products. This will build consumer trust in the products offered by certified businesses and may extend to their websites.

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Yes, the pandemic has led to a significant increase in online shopping through digital platforms and marketplaces. As a result, the range of products has expanded, including both legitimate and counterfeit items.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

[] No

[X] Yes

If yes, please briefly describe:

Although the digital enforcement team of the Technical Secretariat of the Distinctive Signs Commission was established before the pandemic, the health crisis revealed a larger dimension of the problem. There was a noticeable increase in the sale of counterfeit products that could jeopardize people's health.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No
☒ Yes

We are currently working on strengthening this team to address these emerging challenges and enhance brand protection in the digital environment.

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

We would like the guide to include the following topics:

- **Successful Cases and Best Practices:** Examples of successful cases and best practices related to the enforcement of rights over distinctive signs in the digital environment, which could serve as references and guides for effectively implementing protective measures.
- **Existing Mechanisms and Technologies:** Information on existing mechanisms and technologies for identifying and preventing the sale of counterfeit products online.
- **Private Sector Strategies:** Key strategies employed by the private sector to protect their trademark rights on e-commerce platforms, social media, and other digital spaces.
- **Legal and Regulatory Updates:** Major legal modifications or regulatory updates made by different economies to tackle the online sale of counterfeit products, including their impact and the challenges they present.
- **Best Practices for Cooperation:** Effective practices for fostering cooperation between authorities, e-commerce platforms, trademark holders, and other stakeholders to respond more effectively to infringements.
- **Consumer Awareness and Protection:** Approaches for raising awareness and protecting consumers from counterfeit products.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

- The guide will provide valuable information on how other authorities and stakeholders have addressed the challenges related to online counterfeiting, helping us evaluate and adapt the best strategies to our context.
- We will gain insights into the most effective tools for identifying and combating the sale of counterfeit products online.
- We will learn about the regulations and policies applied by other economies, which will help us determine if our legislation is aligned with other jurisdictions and, if necessary, identify areas requiring regulatory updates.
- Guidelines for fostering collaboration between authorities, e-commerce platforms, trademark holders, and other stakeholders will offer a framework to strengthen our cooperation with key players, enhancing our response capability to infringements.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Survey for Research and Data Collection: Please complete and send it back no later than 27 August 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name of the Institution: **Department of Justice**

Name of the person responsible for completing the survey: [REDACTED]

Position held at the institution: [REDACTED]

Years of experience related to IP enforcement: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

Republic Act No. 10175 or the Cybercrime Prevention Act of 2012 created the Office of Cybercrime (OOC) within the DOJ and designated it as the Central Authority in all matters relating to international mutual assistance and extradition for cybercrime and cyber-related matters.

It also acts as the focal agency in formulating and implementing law enforcement investigation and prosecution strategies in curbing cybercrime and cyber-related offenses at the international level. (<https://cybercrime.doj.gov.ph>)

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☒ Online monitoring systems
☒ Notice and takedown procedures
☒ Digital forensics
☒ Collaboration with e-commerce platforms
☒ Consumer education programs
☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

The Department of Justice – Office of Cybercrime (DOJ-OOC) facilitates international cooperation and with other law enforcement agencies on intelligence, investigations, training and capacity-building related to cybercrime prevention, suppression and prosecution.

Meanwhile, one of the salient provisions of Republic Act No. 11967 or the Internet Transactions Act of 2023 (ITA) is the creation of E-Commerce Bureau, which is under the Department of Trade and Industry. It is tasked to implement, monitor, and ensure strict compliance with the provisions of the ITA.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) _____; (2) _____; (3) _____; (4) ☒ _____; (5) _____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

- [1] Rapid technological changes
- [4] Cross-border enforcement issues
- [3] Limited resources (human, financial, technological)
- [2] Lack of cooperation from e-commerce platforms
- [6] Inadequate legal framework
- [5] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? *(Please, briefly describe):*

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

Pursuant to Republic Act No. 10175 (Cybercrime Prevention Act of 2012), all crimes defined and penalized by Republic Act No. 8293 (Intellectual Property Code of the Philippines), as amended, if committed by, through and with the use of information and communications technologies shall be covered by the relevant provisions of Republic Act No. 10175, and the penalty to be imposed shall be one (1) degree higher than that provided for by Republic Act No. 8293, as the case may be.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
Department of Justice – Office of Cybercrime	+63 2 8524 8216	cybercrime@doj.gov.ph	The Department of Justice – Office of Cybercrime (DOJ-OOC) acts as a competent authority for all requests for assistance for investigation or proceedings concerning cybercrimes, facilitate the provisions of legal or technical advice, preservation and production of data, collection of evidence, giving legal information.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

- [] No
- [✓] Yes

If yes, please briefly describe:

The DOJ-OOC acts as the focal agency in formulating and implementing law enforcement investigation and prosecution strategies in curbing cybercrime and cyber-related offenses at the international level.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

- ☐ No
☐ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

- ☒ Information sharing
☒ Joint enforcement operations
☒ Training and capacity building
☒ Development of best practices
☒ Others (please specify):

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☐ No
☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

- ☐ No
☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide details:

Republic Act No. 10175 or the Cybercrime Prevention Act of 2012
Republic Act No. 11967 or the Internet Transactions Act of 2023

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☐ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
☐ Limits the ability to prosecute offenders
☐ Reduces deterrence against counterfeiters
☐ Increases operational costs for enforcement agencies
☐ Other (please specify):

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- [4] Introduction of expedited legal processes
[5] Implementation of higher penalties for offenders
[1] Adoption of new technologies for enforcement
[2] Enhanced cooperation between regulatory bodies and the private sector
[3] Other (please specify): Education

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☒ Only upon request by the rights holder.
☐ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

The DOJ-OOC acts on requests brought before it by any person who is a victim of cybercrime/cyber-related offenses by assessing the facts and pieces of evidence presented and conducting the necessary technical and open-source investigation on the matter.

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? *(Please, provide a list of the five more relevant measures)*

PRELIMINARY MEASURES	DEFINITIVE MEASURES
-	-
-	-
-	-
-	-
-	-

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☒ No, never:
☐ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☐ Based on the value of the authentic goods.

[] Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- [☒] Harmonization of legal frameworks and standards
[☒] Establishment of a central database for counterfeit reports
[☒] Regular regional meetings and workshops for enforcement authorities
[☒] Incentives for private sector collaboration
[☒] Other (please specify): Education

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- [] No
[] Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

[4] Criminal proceedings

[3] Civil litigation

[1] Administrative procedures

[2] Alternative dispute resolution (e.g., mediation, arbitration)

[] Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings					✓	
Civil litigation					✓	
Administrative procedures					✓	
Alternative dispute resolution (arbitration, mediation, etc.)					✓	
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.						
Blockchain for traceability.						
Big data analytics.						
Automated web crawlers.						
IP trackers.						
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

8.2. What do you consider to be the key factors that contributed to this success?

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☐ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☒ Inconsistent enforcement priorities
☐ Other (please specify):

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- [1] Advanced digital forensics and investigation techniques
[4] Use of AI and machine learning for trademark protection
[3] Best practices in cross-border enforcement collaboration
[2] Legal and regulatory updates on IP enforcement
☐ Other (please specify):

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No
☒ Yes

If yes, please briefly describe:

In July 2024, the Philippine Trademark Conference 2024 was held and attended by the key stakeholders in the enforcement against trademark counterfeiting in digital environments.

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

☐ [2] Collaborative development of monitoring tools

☐ [3] Shared intelligence and data analytics

☐ [4] Joint enforcement operations and task forces

☐ [1] Public awareness and education campaigns

☐ [] Other (please specify):

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Public awareness and education campaigns

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☐ [] No

☐ [] Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Definitely, a vast number of trademark infringed goods were sold and purchased during the pandemic. It made online platforms a major avenue for trademark counterfeiting.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

- ☐ No
☐ Yes

If yes, please briefly describe:

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

- ☐ No
☐ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Enforcement mechanisms and best practices.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

It would further enhance our knowledge and capabilities in prosecuting offenders of trademark counterfeiting.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

- ☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Survey for Research and Data Collection: Please complete and send it back no later than 27 August 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy:  _____


Name of the Institution:  _____

Name of the person responsible for completing the survey: _____

 _____

Position held at the institution:  _____

Years of experience related to IP enforcement:  _____

Email:  _____

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

Intellectual Property Office of the Phils (IPOPHL)
Philippine National Police,
National Bureau of Investigation

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☒ Online monitoring systems
☒ Notice and takedown procedures
☒ Digital forensics
☒ Collaboration with e-commerce platforms
☒ Consumer education programs
☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

streamlining of IP laws to reflect the unique challenges of the digital environment, including the use of digital rights management and automated fingerprinting technologies

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) ____; (4) ☒; (5) ____ Very effective

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

- [2] Rapid technological changes
- [2] Cross-border enforcement issues
- [2] Limited resources (human, financial, technological)
- [4] Lack of cooperation from e-commerce platforms
- [2] Inadequate legal framework
- [1] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (Please, briefly describe):

Internet is constantly changing, with new websites and platforms emerging regularly. This makes it difficult to monitor and enforce IP rights consistently and effectively.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

Criminal - in some cases trademark infringement can rise to level of a criminal offense particularly when it involves wilful counterfeiting.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
IPOPHL	(632) 7238-6300	www.ipophil.gov.ph	Primary govt agency responsible for the registration and protection of IPR
PVP (CIDG)		www.pvp.gov.ph	Handle cases involving IP crimes including counterfeit goods

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

- [] No
☒ Yes

If yes, please briefly describe:

Formal coordination

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
	PNP CIDG BDC	Handle cases involving IP crimes, including counterfeit goods Conduct and prevent the entry of counterfeit goods in the [REDACTED]

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☐ No
☒ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
Lazada Shopee Skin		

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (Select all that apply)

- ☒ Information sharing
☒ Joint enforcement operations
☒ Training and capacity building
☒ Development of best practices
☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☐ No
☒ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

- ☐ No
☒ Yes

If yes, please briefly describe the method used:

statistics

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide details:

Anti-Counterfeiting laws

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☐ No
☒ Yes

If yes, please briefly describe:

Cybercrime legislation

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

Lack of Digital Infrastructure

Limited Awareness and Education

Judicial Systems Limitations

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (Rank from 1 to 5, with 1 being the highest limitation)

- ☒ Slows down enforcement actions
☒ Limits the ability to prosecute offenders
☒ Reduces deterrence against counterfeiters
☒ Increases operational costs for enforcement agencies
☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (Rank from 1 to 5, with 1 being the most effective)

- ☒ Introduction of expedited legal processes
☒ Implementation of higher penalties for offenders
☒ Adoption of new technologies for enforcement
☒ Enhanced cooperation between regulatory bodies and the private sector
☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☒ Only upon request by the rights holder.
☐ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (Please, provide a list of the five more relevant measures)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none">- Case and Desist letters- Injunctions- Seizure of goods- Domain Name cancellation- Account suspension	<ul style="list-style-type: none">- Legal Action- Restitution and Damages- monitoring and Surveillance- use of Technology- Collaboration with E-commerce platforms

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never.
☐ Yes, sometimes.
☒ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☒ Based on the value of the authentic goods.

☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
☒ Establishment of a central database for counterfeit reports
☒ Regular regional meetings and workshops for enforcement authorities
☒ Incentives for private sector collaboration
☐ Other (please specify):

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	1,000,000 USD	2,500	Goods

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

100%

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (Rank from 1 to 5, with 1 being the most common).

- ☒ Criminal proceedings
☒ Civil litigation
☒ Administrative procedures
☒ Alternative dispute resolution (e.g., mediation, arbitration)
☐ Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective").

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						✓
Civil litigation					✓	
Administrative procedures				✓		
Alternative dispute resolution (arbitration, mediation, etc.)			✓			
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.					✓	
Blockchain for traceability.					✓	
Big data analytics.				✓		
Automated web crawlers.				✓		
IP trackers.					✓	
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

Blockchain Technology

Artificial Intelligence (AI) and Machine Learning

Digital Watermarking and RFID Technology

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

8.2. What do you consider to be the key factors that contributed to this success?

Coordination with E-commerce Platforms

Public awareness Campaign

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☒ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
☐ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☐ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- ☐ Advanced digital forensics and investigation techniques
☒ Use of AI and machine learning for trademark protection
☒ Best practices in cross-border enforcement collaboration
☒ Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☒ No
☐ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

Pre and Post Assessment, measuring participants knowledge

Performance Metrics

Return of Investment

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Establish a Regional Framework for Cooperation

Enhance Information Sharing

Train and Build- capacity

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (Rank from 1 to 5, with 1 being the best measure).

☒ Collaborative development of monitoring tools

☒ Shared intelligence and data analytics

☒ Joint enforcement operations and task forces

☒ Public awareness and education campaigns

☐ Other (please specify):

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Cybercrime Prevention and Investigation

Content Moderation and Misinformation

Cybersecurity Frameworks

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☐ No

☒ Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Yes, the COVID-19 pandemic has significantly affected trademark counterfeiting dynamics in e-commerce in the Philippines, as it has in many other [REDACTED]

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No

☒ Yes

If yes, please briefly describe:

Cyber patrolling

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No

☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

Response Protocols in dealing with counterfeiting incidents, including media communication strategies

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

Develop self-assessment tools to help organizations evaluate their vulnerability to counterfeiting

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

To add procedures for internal teams to follow when encountering
counterfeit products.

Survey for Research and Data Collection: Please complete and send it back no later than 27 August 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name of the Institution: DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT

Name of the person responsible for completing the survey: _____

Position held at the institution: [REDACTED]

Years of experience related to IP enforcement:

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

Memorandum Circular No. 2003-229 Re: Protection of Intellectual Property Rights; DILG MC No. 2011-89 re Reiterating MC no. 2011-89 entitled, reiteration re: Protection of Intellectual Property Rights, 2011-56 re Submission of OMB-Issued Licenses prior to the release of Business Permits for Optical Media Establishment; Memorandum Circular No. 2020-124 re: Intellectual Property Rights Protection; and Memorandum Circular No. 2022-055 re: Adoption of an Intellectual Property or Anti-Counterfeit and Anti-Piracy Policy in the Workplace

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☐ Online monitoring systems
☐ Notice and takedown procedures
☐ Digital forensics
☐ Collaboration with e-commerce platforms
☐ Consumer education programs
☒ Others (please specify): policy issuances to all local government unit regarding IPR_____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

The policy issuances issued by the Department reiterate Executive Order No. 736 s 20228 on the National Committee on Intellectual Property Rights (NCIPR) where the Department is part of the Technical Working Committee, encouraging all officials and employees in LGUs, DILG Regional, Provincial and Field Offices to ensure the promotion and practice of the IP and ACAQP policies.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) _____; (2) _____; (3) _____; (4) ☒; (5) _____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

- [2] Rapid technological changes
- [4] Cross-border enforcement issues
- [5] Limited resources (human, financial, technological)
- [1] Lack of cooperation from e-commerce platforms
- [] Inadequate legal framework
- [3] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

In accordance with DILG MC. 2022-055, all LGUs and DILG Regional/Provincial, and Field Offices are directed to develop, promulgate and implement ACAP policies and guidelines which include, but not limited to IEC, Capdev on IPR, reporting and record-keeping of counterfeit and pirated products with corresponding penal provisions of disciplinary action in accordance with civil service laws and regulations and applicable policies and guidelines.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
██████████, Assistant Secretary for Peace and Order	8928-8065	dilg.gov.ph	DILG Representatives to the National Intelligence Board Technical Working Group
██████████ Director Bureau of Local Government Supervision			

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

- [] No
- [✓] Yes

If yes, please briefly describe:

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
DILG MC 2020-124	Local Chief Executives, Regional. Provincial, City Directors and Field Officers	Enjoins LGUs to issue an Ordinance banning the sale, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods within the LGU, and to require business establishments that are engaged in business involving optical media to secure OMB license prior to issuance of business permits.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
DILG MC 2020-124	Local Chief Executives, Regional. Provincial, City Directors and Field Officers	Enjoins LGUs to issue an Ordinance banning the sale, transfer, distribution, manufacture, and/or production of pirated, counterfeit, or fake goods within the LGU, and to require business establishments that are engaged in business involving optical media to secure OMB license prior to issuance of business permits.

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
	dilg.gov.ph	Official website

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

- [] No
[] Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

- ☐ Information sharing
☐ Joint enforcement operations
☐ Training and capacity building
☐ Development of best practices
☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☐ No
☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

- ☐ No
☒ Yes

If yes, please briefly describe the method used:

Monitoring of compliance

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☒ No
☐ Yes

If yes, please provide details:

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☒ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
☐ Limits the ability to prosecute offenders
☐ Reduces deterrence against counterfeiters
☐ Increases operational costs for enforcement agencies
☐ Other (please specify): n/a _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ 1 Introduction of expedited legal processes
☐ 4 Implementation of higher penalties for offenders
☒ 3 Adoption of new technologies for enforcement
☐ 2 Enhanced cooperation between regulatory bodies and the private sector
☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☐ Only upon request by the rights holder.
☒ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<p>-Issuance Ordinance of LGU's which contains the following (but not limited to):</p> <p>of Optical media Board License shall be a mandatory requirement in the issuance of Business Permit/Mayors permit to those engaged in business or activities of importation, exportation, acquisition, sale or sale or distribution of optical media, manufacturing equipment, parts and accessories and manufacturing used or intended for use in the mastering, manufacture or replication of optical media, pursuant to Section 13 of Republic Act No. 9239 (The Optical Media Board Act),</p> <p>-business licenses and permits that are issued by the City and/or Municipal Business Permit and Licensing Office shall carry the express condition that the licensee shall not engage in the sale, rental, transfer, distribution, manufacture or production of pirated, counterfeit, or fake goods, articles, or services, nor shall permit other persons to commit said acts within the licensee's business establishments or premises.</p> <p>-Any breach or violation thereof shall be a ground for the suspension, or cancellation of the business permit or license</p> <p>-he pirated, counterfeit, or fake goods, articles, or services of any person engaged in any business or trade, with or without any license or permit, shall be taken into preventive custody and to be disposed on in accordance with law</p> <p>-Provide security and assistance to the law enforcement agent officials during the conduct of enforcement operations particularly in the seizure of goods and in the proper disposal thereof</p>	<p>- penal provisions stated in the Ordinance</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never:
☐ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☐ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☐ Other (please specify):

Ordinances vary per LGU type

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☐ Harmonization of legal frameworks and standards
☐ Establishment of a central database for counterfeit reports
☐ Regular regional meetings and workshops for enforcement authorities
☐ Incentives for private sector collaboration
☐ Other (please specify):

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	According to IPOPHL P27Billion in good and services		

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

IPOPHL data - P221,500 haul.

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- ☐ Criminal proceedings
☐ Civil litigation
☐ Administrative procedures
☐ Alternative dispute resolution (e.g., mediation, arbitration)
☐ Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings					✓	
Civil litigation					✓	
Administrative procedures				✓		
Alternative dispute resolution (arbitration, mediation, etc.)				✓		
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.						
Blockchain for traceability.						
Big data analytics.						
Automated web crawlers.						
IP trackers.					/	
Others (please specify):						Policy issuances

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

8.2. What do you consider to be the key factors that contributed to this success?

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☐ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☐ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- ☒ Advanced digital forensics and investigation techniques
☒ Use of AI and machine learning for trademark protection
☒ Best practices in cross-border enforcement collaboration
☒ Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No
☒ Yes

If yes, please briefly describe:

TWG meetings

9.4. How does your economy measure the effectiveness of such training or capacity-building

programs?
Yes, especially on information dissemination.

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

[4] Collaborative development of monitoring tools

[1] Shared intelligence and data analytics

[2] Joint enforcement operations and task forces

[3] Public awareness and education campaigns

[] Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

data privacy _____

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

[] No

[] Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

yes

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No

☒ Yes

If yes, please briefly describe:

issuance of reiteration of OMB and EO on IPR

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No

☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

data rights and data privacy management

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

Capacity Development of LGU and DILG focal for seamless operationalization of the guidebook

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Survey for Research and Data Collection: Please complete and send it back no later than 27 August 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name of the Institution: _____

Name of the person responsible for completing the survey: _____

Position held at the institution: _____

Years of experience related to IP enforcement: _____

Email: _____

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

REPUBLIC ACT NO. 8792 June 14, 2000

REPUBLIC ACT NO. 10175 September 12, 2012

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☒ Online monitoring systems
☒ Notice and takedown procedures
☒ Digital forensics
☒ Collaboration with e-commerce platforms
☒ Consumer education programs
☒ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

The main objectives of our most effective enforcement mechanism are to ensure compliance with all regulatory requirements, protect consumers and investors, and uphold the integrity of the financial markets. This is achieved through a multi-faceted approach that includes cyber patrol and surveillance, conducting thorough investigations, implementing strong enforcement actions against violators, and continuous collaboration with other regulatory bodies to share information and resources. Our economy has an interagency body that formulates and implements plans and policies that strengthen the protection and enforcement of intellectual property rights, which is called the National Committee on Intellectual Property Rights. It is comprised of highly skilled professionals with expertise in various areas that help combat the online trademark counterfeiting.

in reducing trademark counterfeiting?

Very ineffective (1) _____; (2) ☒; (3) _____; (4) _____; (5) _____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

- [1] Rapid technological changes
- [3] Cross-border enforcement issues
- [3] Limited resources (human, financial, technological)
- [1] Lack of cooperation from e-commerce platforms
- [5] Inadequate legal framework
- [3] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

One of the difficulties or challenges which the law enforcement officers encounter is the lack of trainings with regard to the actual detection and combat against trademark counterfeiting in the digital environment.



3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

Yes. It can be enforced administratively by revoking licenses relative to its business, be banned doing businesses or by paying penalties. Civil and criminal charges can be enforced simultaneously through court proceedings and upon finality, infringers may be penalized with fine and/ or imprisonment.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
		ncipr.secretaria	An interagency body that formulates and implements plans and policies, as well as strengthen the protection and enforcement of intellectual property rights that is composed of 15 member agencies.

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

- [] No
- [✓] Yes

If yes, please briefly describe:

Yes. It is usually done through letter request for assistance or coordination letter.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
		I do not know any program yet, but initiatives of several proposals from NCIPR member agencies and DICT were already being planned and discussed to combat any forms of cybercrimes, particularly online trademark counterfeiting.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
	National Committee on Intellectual Property Rights	

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
	National Committee on Intellectual Property Rights	

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☒ No
☐ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
Our agency has yet to draft any memorandum of understanding or any formal agreements with major e-commerce platforms. However, there is an ongoing process to create these agreements for our economy, which is being initiated and processed by the NCIPR.		

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☒ Information sharing

☒ Joint enforcement operations

☒ Training and capacity building

☒ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

☒ No

☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☐ No

☒ Yes

If yes, please briefly describe the method used:

I believe there is, and it is being handled by NCIPR.

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☒ No
☐ Yes

If yes, please provide details:

The laws covering the digital environment, particularly the Republic Act 10175 from 2012, is still the main law being enforced.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☐ No
☒ Yes

If yes, please briefly describe:

Our legislative branch of government is in the process of reevaluation and amending of our current law to cope with the emerging cybercrimes, particularly the online trademark counterfeiting.

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

Yes. Our economy is known to have a wide users of internet and ICTs, thus it is more difficult to monitor their online activities and to detect online trademark counterfeiting.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ 2 Slows down enforcement actions
☐ 3 Limits the ability to prosecute offenders
☐ 1 Reduces deterrence against counterfeiters
☐ 3 Increases operational costs for enforcement agencies
☐ Other (please specify):

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ 2 Introduction of expedited legal processes
☐ 4 Implementation of higher penalties for offenders
☐ 1 Adoption of new technologies for enforcement
☐ 3 Enhanced cooperation between regulatory bodies and the private sector
☐ Other (please specify):

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☐ Only upon request by the rights holder.
☒ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

In our jurisdiction, actions can be done by authorities through forming a case build-up from an intelligence report. Rights holders can also do their own detection and coordinate with authorities, thereafter, for proper enforcement of laws against violators.

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none">- Early registration of trademarks- Trainings for law enforcement officers- Public Awareness and continuous education	<ul style="list-style-type: none">- reevaluation and amendment of present laws- imposition of stringent penalties- -

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never:
☒ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

It can be requested by filing with the complaint and verified application for the issuance of a preliminary injunction. The court will conduct trial relative thereto.

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☒ Fixed amount set by law.
☒ Percentage of the estimated damage.
☒ At the discretion of the authority.
☒ Based on the value of the authentic goods.

☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

☒ Harmonization of legal frameworks and standards

☒ Establishment of a central database for counterfeit reports

☒ Regular regional meetings and workshops for enforcement authorities

☒ Incentives for private sector collaboration

☐ Other (please specify):

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions	n/a for our agency				

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

☒ No

☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- [3] Criminal proceedings
 - [2] Civil litigation
 - [1] Administrative procedures
 - [1] Alternative dispute resolution (e.g., mediation, arbitration)
 - [1] Other (please specify):
-

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings					✓	
Civil litigation					✓	
Administrative procedures					✓	
Alternative dispute resolution (arbitration, mediation, etc.)						✓
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.					✓	
Blockchain for traceability.					✓	
Big data analytics.					✓	
Automated web crawlers.						✓
IP trackers.						✓
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

It is essential to prioritize technological solutions that can efficiently identify and combat counterfeit products. One common solution that should be prioritized is the use of image recognition software, which can quickly scan online marketplaces and social media platforms to detect instances of trademark infringement based on visual cues. Additionally, implementing blockchain technology can help establish a secure and transparent record of ownership for trademarks, making it easier to track and enforce intellectual property rights. Another key technological solution is the development of advanced search algorithms that can effectively monitor the internet for unauthorized use of trademarks in real-time, allowing enforcement agencies to swiftly take action against offenders. By integrating these technological solutions into trademark enforcement strategies, businesses can better protect their brands and maintain consumer trust in the marketplace.

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

There was an intelligence report regarding the sale of counterfeit bags online, and what the sellers normally do is hold a live selling program via social media platform. The law enforcement officers did a cyber surveillance and actual casing of the place where the sellers are located. With the gathered information, the assigned agent was able to obtain a search warrant from the court. The law enforcement officers served the search warrant while the sellers were conducting an online live selling of the counterfeit products.

8.2. What do you consider to be the key factors that contributed to this success?

The conduct of operation was successful, because there was a timely action to an intelligence report and the concerned parties were able to conduct proper surveillance. The application for search warrant was also approved without any time wasted. There was also proper coordination to other concern agencies and private complainants before and after the operation.

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☒ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☒ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- ☐ 1 Advanced digital forensics and investigation techniques
☐ 3 Use of AI and machine learning for trademark protection
☐ 2 Best practices in cross-border enforcement collaboration
☐ 3 Legal and regulatory updates on IP enforcement
☐ 1 Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No
☒ Yes

If yes, please briefly describe:

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

In order to effectively measure the impact of capacity-building programs, we do pre- and post-training assessments to gauge progress. It is also essential that we track changes in operational outcomes, such as reduced crime rates or quicker response times, to assess the tangible impact of these programs. By utilizing a combination of qualitative and quantitative methods, law enforcement agencies can accurately evaluate the success and identify areas for improvement within our capacity-building initiatives.

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

APEC economies can enhance digital enforcement capabilities by establishing robust frameworks for collaboration and information sharing. Firstly, they should work towards harmonizing their policies and regulations related to cybercrime and data protection to create a more cohesive legal environment across the region. This could involve standardizing definitions of cyber offenses, streamlining extradition processes, and implementing cross-border data sharing agreements. Additionally, APEC economies should invest in the development of joint training programs and capacity building initiatives to improve the skill sets of law enforcement agencies in tackling digital crimes effectively. By fostering closer partnerships between government agencies, private sector stakeholders, and international organizations, APEC economies can strengthen their collective response to cyber threats and enhance overall cybersecurity resilience in the region.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

☒ Collaborative development of monitoring tools

☒ Shared intelligence and data analytics

☒ Joint enforcement operations and task forces

☒ Public awareness and education campaigns

☐ Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

The areas that require the most urgent attention and improvement are cybersecurity measures, data protection regulations, and combatting online piracy and unregulated selling of counterfeit goods in online selling platforms.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☐ No

☒ Yes

If yes, please briefly describe:

Leveraging blockchain technology and using of artificial intelligence. Through these advanced technological solutions, the economy aims to strengthen its intellectual property rights framework and safeguard businesses from unauthorized use of their trademarks in the digital space. This proactive approach will not only enhance brand protection but also promote innovation and economic growth in the long run.

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Yes. As the shift towards online shopping has accelerated due to lockdowns and social distancing measures, counterfeiters have taken advantage of the increased demand for goods by selling fake or unauthorized products through various online platforms, including social media and online marketplaces. This has posed a serious threat to brand reputation and revenue streams, as well as consumer safety concerns.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No
☒ Yes

If yes, please briefly describe:

The collaborations between brands, governments, and e-commerce platforms have become crucial to effectively monitor and enforce trademark rights in the increasingly digital marketplace.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No
☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

I would like to see more emphasis on the intricacies of data privacy laws and regulations across different jurisdictions. Understanding how to navigate the complex landscape of data protection is crucial for businesses operating in a digital environment, as non-compliance can result in hefty fines and damage to reputation. Furthermore, practical strategies for enforcing intellectual property rights online should be included, as piracy and counterfeiting remain persistent issues in the digital sphere.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

By equipping organizations with the knowledge and tools needed to effectively combat trademark counterfeits, the guidebook can help safeguard the public and provide detailed information on latest trends in combating counterfeit products.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

The guidebook should include detailed information on the latest trends and tactics ~~used by counterfeiters, as well as practical strategies and best practices for detecting~~ and combating counterfeit products. It should also provide guidance on working with law enforcement agencies, conducting investigations, and taking legal action against counterfeiters. Additionally, the guidebook could offer tips on leveraging technology such as blockchain or authentication labels to track genuine products and prevent ~~counterfeiting.~~

Survey for Research and Data Collection: Please complete and send it back no later than 06 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: The Philippines

Name of the Institution: [REDACTED]

Name of the person responsible for completing the survey: [REDACTED]
[REDACTED]

Position held at the institution: [REDACTED]

Years of experience related to IP enforcement: [REDACTED]
[REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

IPOPHL Memorandum Circular 2020-049 (covers both online and offline counterfeiting)
<https://drive.google.com/file/d/1I0NV1yYZYRfn90YSHOHAekWLDzkmcw2/view> - (took effect 2021)

RA 11967 or the Internet transactions Act (took effect 2024) -
<https://ecommerce.dti.gov.ph/internet-transactions-act-of-2023/>

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☐ Online monitoring systems
☒ Notice and takedown procedures
☐ Digital forensics
☒ Collaboration with e-commerce platforms
☒ Consumer education programs
☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

The mechanisms of the current enforcement measures focus on protecting brand owners, safeguarding consumers, and ensuring accountability for infringers. For example, we have injunctive relief/measures in criminal/administrative enforcement.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) ____; (4) **X**; (5) ____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (Rank from 1-5, with 1 being the most significant challenge)

- ☒ Rapid technological changes

- [x] Cross-border enforcement issues
- [x] Limited resources (human, financial, technological)
- [] Lack of cooperation from e-commerce platforms
- [x] Inadequate legal framework
- [x] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

We have an old IP Code that requires amendments to stay relevant and effective in light of evolving economic, technological, and legal landscapes.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

Yes. In the Philippines, IP rights are private rights, hence, only IP owner or his authorized representative can choose whether to enforce them or not. The IP owner has the option to either pursue an infringement action administratively (through the IPOPHL), criminally, or through civil actions (filed with the Regional Trial Court designated by the Supreme Court as Special Commercial Courts).

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
1. IPOPHL (Administrative) 2. Philippine National Police 3. National Bureau of Investigation 4. Department of Justice 5. Bureau of Customs With the help and support of the rest of the member-agencies of the National Committee on Intellectual Property Rights	7238-6300	www.ipophil.gov.ph	The Intellectual Property Office of the Philippines shortened as IPOPHL , is a government agency attached to the Department of Trade and Industry in charge of registration of intellectual property and administrative conflict resolution of intellectual property rights in the Philippines.

(NCIPR) (ncipr.secretariat@ipophil.gov.ph)			
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3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

☐ No
☒ Yes

If yes, please briefly describe:

The National Committee on Intellectual Property Rights (NCIPR) is an interagency body that formulates and implements plans and policies, as well as strengthens the protection and enforcement of intellectual property rights.

The NCIPR is composed of 15 members with the Department of Trade and Industry as chairman and the IPOPHL as vice chairman and secretariat

Chaired by the Department of Trade and Industry with IPOPHL as its vice chair, NCIPR is also composed of the following:

-
1. Department of Trade and Industry
 2. Intellectual Property Office of the Philippines
 3. Department of Justice
 4. Bureau of Customs
 5. Food and Drug Authority
 6. National Bureau of Investigation
 7. Philippine National Police
 8. Optical Media Board
 9. National Book Development Board
 10. Office of the Special Envoy on Transnational Crime
 11. Department of the Interior and Local Government
 12. National Telecommunications Commission
 13. Department of Information and Communications Technology
 14. Bureau of Internal Revenue
 15. Bureau of Immigration
-

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
MOU on E-Commerce	IPOPHL (as facilitator) in partnership with UK IPO and Rouse	The MOU provides an avenue where members can closely collaborate and notify platform members on possible IP violations, allowing a more efficient take down of online posts selling counterfeit products or pirated content.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Internet Transactions Act	Department of Trade in Industry (DTI)	Provides a regulatory framework for both consumer and merchant protection. https://ecommerce.dti.gov.ph/internet-transactions-act-of-2023/

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

This is a relatively new policy.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

[] No
[x] Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
META Lazada Shopee Zalora	Not authorized to disclose	

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

- ☒ Information sharing
☐ Joint enforcement operations
☒ Training and capacity building
☒ Development of best practices
☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

- ☒ No (***Not sure but this is none within my knowledge***)
☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

- ☐ No
☒ Yes

If yes, please briefly describe the method used:

Conduct of Bi-annual review of E-Commerce MOU where KPIs are reported and reviewed, feedback is given, and concerns are raised.

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide details:

***2020 Revised Rules of Procedure for Intellectual Property Cases
IPOP HL Memorandum Circular No. 2020-049
Internet Transactions Act of 2023***

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☐ No
☒ Yes

If yes, please briefly describe:

Pending IP Code Amendment

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

Limitations on monitoring technology and the need to amend the current IP Code to adapt to the technological and legal advancements

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
☐ Limits the ability to prosecute offenders
☒ Reduces deterrence against counterfeiters
☐ Increases operational costs for enforcement agencies
☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ [2] Introduction of expedited legal processes
☐ [1] Implementation of higher penalties for offenders
☐ [4] Adoption of new technologies for enforcement
☐ [3] Enhanced cooperation between regulatory bodies and the private sector
☐ [] Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☒ Only upon request by the rights holder.
☐ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

IP Rights are considered private rights in the Philippines, hence, only brand owners can initiate or file complaints against infringers.

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none"> - Attachment -Preliminary Injunction -Temporary Restraining Order - - 	<ul style="list-style-type: none"> - Compliance Orders/Take down notices - Final Injunctions -Awarding of fines/damages - Seizures and Destructions -

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never:
☐ Yes, sometimes.
☒ Yes, always.

If so, please provide any additional context or explanation:

Rules of Court Rule 58 Section 4 (b)

xxx

(b) Unless exempted by the court the applicant files with the court where the action or proceeding is pending, a bond executed to the party or person enjoined, in an amount to be fixed by the court, to the effect that the applicant will pay to such party or person all damages which he may sustain by reason of the injunction or temporary restraining order if the court should finally decide that the applicant was not entitled thereto. Upon approval of the requisite bond, a writ of preliminary injunction shall be issued.

xxx

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☒ At the discretion of the authority.
☐ Based on the value of the authentic goods.
☒ Other (please specify):

Fixed amount set by the court (Under the Rules of Court)

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
☒ Establishment of a central database for counterfeit reports

- ☒ Regular regional meetings and workshops for enforcement authorities
☒ Incentives for private sector collaboration
☐ Other (please specify): _____

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year? – **Not within my knowledge**

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks	P26.86 billion or around 480 million USD* per 2023 NCIPR Reported Seizures		Mixed

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

Not within my knowledge.

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- [x] Criminal proceedings
 [] Civil litigation
 [x] Administrative procedures
 [x] Alternative dispute resolution (e.g., mediation, arbitration)
 [] Other (please specify):
-

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						X
Civil litigation				x		
Administrative procedures						x
Alternative dispute resolution (arbitration, mediation, etc.)					X	
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.					X	

Blockchain for traceability.				x		
Big data analytics.				x		
Automated web crawlers.				x		
IP trackers.				x		
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

AI-Powered Monitoring Tools or tools that can monitor e-commerce platforms, social media, and websites for unauthorized use of trademarks, logos, or counterfeit products.

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

NBI Raid Online Seller Shop Amid Live Selling Due to Overpriced Fake Designer Bags
https://philnews.ph/2021/03/20/nbi-raid-online-seller-shop-while-doing-live-selling-over-fake-bags/#google_vignette

8.2. What do you consider to be the key factors that contributed to this success?

Effective Brand owners and Law Enforcement Agencies coordination.

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

[] No
[X] Yes

If yes, please briefly describe:

Other economies have digital forensics, have used data mining, and have utilized blockchain technology to support effective enforcement.

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

☐ Lack of unified legal frameworks

☒ Differences in technological capabilities

☐ Insufficient information sharing mechanisms

☒ Inconsistent enforcement priorities

☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

☒ Advanced digital forensics and investigation techniques

☒ Use of AI and machine learning for trademark protection

☒ Best practices in cross-border enforcement collaboration

☒ Legal and regulatory updates on IP enforcement

☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

☐ No

☒ Yes

If yes, please briefly describe:

Some of these are:

IP Enforcement Summit (Manila) – organized by the IPOPHL in 2023

TMCon 2024 (Manila) – organized by the IPOPHL in July 2024

Indo-Pacific Regional Workshop on Enforcement Against Trade in Counterfeit Goods (Bangkok) – ASEAN-USPTO – 2022

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

Through participants' feedback and surveys.

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Cross-Border Data Sharing and Information Exchange, and perhaps more Capacity Building and Knowledge Sharing

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

- ☒ Collaborative development of monitoring tools
- ☒ Shared intelligence and data analytics
- ☒ Joint enforcement operations and task forces
- ☒ Public awareness and education campaigns
- ☐ Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Amendment of the IP Code and E-Commerce and Online Platform Accountability and Cooperation

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

- ☐ No
- ☒ Yes

If yes, please briefly describe:

TRUST MARK of the DTI (as provided under the Internet Transactions Act). The Trustmark signifies that the products, goods, or services sold online are trustworthy, among others. The DTI shall issue separate rules governing the application for the Trustmark

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Definitely.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

- ☐ No
- ☒ Yes

If yes, please briefly describe:

Facilitating the E-Commerce MOU between brand owners and e-commerce platforms for example.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

- ☐ No
- ☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

It may give insights/a comprehensive understanding of best practices in terms of IP Enforcement in digital spaces.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: Chinese Taipei

Name of the Institution: [REDACTED]

Name of the person responsible for completing the survey: [REDACTED]

Position held at the institution: [REDACTED]

Years of experience related to IP enforcement: [REDACTED]

Email: [REDACTED]

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide the name, year of implementation and links if available:

Trademark Act Article 95, 96, 97

Implemented in 2021 and 2022

Link: <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=J0070001>

Paragraph 2 of Article 5 of the Trademark Act provides that acts performed by digital audio-visual means, through electronic media, on the Internet, or through other media may also constitute the use of a trademark. Therefore, civil and criminal remedies, as well as border enforcement measures, provided by the Trademark Act are also applied to the aforementioned acts.

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

- ☒ Online monitoring systems
☒ Notice and takedown procedures
☒ Digital forensics
☒ Collaboration with e-commerce platforms
☒ Consumer education programs
☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

Prosecutors may apply to the court for a criminal seizure ruling to disrupt or disable access to infringing websites to protect rights holders.

Rights holders also have the right to apply to the court for an injunction for disrupting or disabling access to infringing websites.

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) _____; (2) _____; (3) ☒ _____; (4) _____; (5) _____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- [4] Rapid technological changes
- [1] Cross-border enforcement issues
- [5] Limited resources (human, financial, technological)
- [2] Lack of cooperation from e-commerce platforms
- [3] Inadequate legal framework
- [6] Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

The rightsholder refuses to explain the examination method in court, resulting in insufficient credibility of the examination report.

Counterfeit goods sold through online retailers are primarily imported into Chinese Taipei by air or sea. Given the large volume of these goods, border inspections are challenging, making it difficult to fully prevent the entry of counterfeit products.

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Yes.

Please briefly describe:

Judicial police officers and rightsholders may report online trademark infringement cases for investigation and injunction.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
Criminal Investigation Bureau	+886-2-27661919	https://www.cib.npa.gov.tw/en/index	Criminal police of National Police Agency, Ministry of Interior
Investigation Bureau	+886-2-29112241	https://www.mjib.gov.tw/en	Agents of Ministry of Justice (Both are judicial police officers)

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

☐ No
☒ Yes

If yes, please briefly describe:

When customs discovers the import of goods with trademark infringement, it immediately reports the judicial police officers. If necessary and urgent, the judicial police contact the prosecution for immediate seizure or apply to the court for a seizure ruling through the prosecution.

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Internet IP Crime Investigation Program (Economic Crime Investigation Plan)	Ministry of Interior Criminal Investigation Bureau	Strengthening the investigation of Internet IP infringement cases

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
N/A		

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
N/A		

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☒ No
☐ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☒ Information sharing

☒ Joint enforcement operations

☒ Training and capacity building

☐ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

☒ No

☐ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☒ No

☐ Yes

If yes, please briefly describe the method used:

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

- ☐ No
☒ Yes

If yes, please provide details:

Anyone who may know that goods that infringe trademark rights but still intend to sell, possess, display, export, or import those goods shall be subject to criminal liability.

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

- ☒ No
☐ Yes

If yes, please briefly describe:

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

The law does not require account registers of e-commerce platforms to keep the registered account and prevent it from being used by unfamiliar people.

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☒ Slows down enforcement actions
☐ Limits the ability to prosecute offenders
☐ Reduces deterrence against counterfeiters
☐ Increases operational costs for enforcement agencies
☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ Introduction of expedited legal processes
☐ Implementation of higher penalties for offenders
☐ Adoption of new technologies for enforcement
☐ Enhanced cooperation between regulatory bodies and the private sector
☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).

- ☐ Only upon request by the rights holder.
☒ Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

Investigative agencies or authorities can take the initiative to pursue potential offences, and rightsholders can also report cases to investigative agencies.

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? (*Please, provide a list of the five more relevant measures*)

PRELIMINARY MEASURES	DEFINITIVE MEASURES
<ul style="list-style-type: none"> ● Expand publicity on the protection of IP rights. ● Regularly hold supervision meetings to promote cross-agency cooperation and opinion exchanges. ● Law enforcement agencies establish contact points with e-commerce platforms and telecommunications companies for investigation. 	<ul style="list-style-type: none"> ● Remove infringing products from the website. ● Expand the confiscation of criminal proceeds from infringing goods.

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

- ☐ No, never:
☒ Yes, sometimes.
☐ Yes, always.

If so, please provide any additional context or explanation:

Under civil procedure, judges may require injunction bond if he/she deems it necessary.

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☐ Fixed amount set by law.
☐ Percentage of the estimated damage.
☒ At the discretion of the authority. (the court's decision)
☐ Based on the value of the authentic goods.
☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☐ Harmonization of legal frameworks and standards
☐ Establishment of a central database for counterfeit reports

- ☒ Regular regional meetings and workshops for enforcement authorities
☒ Incentives for private sector collaboration
☐ Other (please specify): _____

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions			637 (Prosecution and Deferred-prosecution)	724 (Prosecution and Deferred-prosecution)	770 (Prosecution and Deferred-prosecution)

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

N/A

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

N/A

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

- [1] Criminal proceedings
 [2] Civil litigation
 [3] Administrative procedures
 [4] Alternative dispute resolution (e.g., mediation, arbitration)
 [] Other (please specify):
-

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings					✓	
Civil litigation				✓		
Administrative procedures			✓			
Alternative dispute resolution (arbitration, mediation, etc.)				✓		
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing “Very Ineffective” and 5 representing “Very Effective”

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.				✓		
Blockchain for traceability.	✓					
Big data analytics.	✓					

Automated web crawlers.	✓					
IP trackers.				✓		
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

Establishing a cross-jurisdictional trademark infringement examination platform to confirm whether products infringe trademark rights quickly.

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

- (1) Case 1: An individual who applied for a large number of phone numbers under the names of companies and then provided those phone numbers to unknown e-commerce platform operators selling trademark-infringing goods was charged and convicted. This case led to administrative penalties being imposed on the telecommunications companies for not thoroughly reviewing the phone number applications from the company.
 - (2) Case 2: When law enforcement agencies detect sellers offering large quantities of counterfeit goods on auction websites or e-commerce platforms, they first gather the seller's basic information and IP address. They then analyze the geographical relationship related to the seller's shipping and confirm the location of the warehouse where the counterfeit products are stored. Subsequently, they obtain a search warrant issued by the court to successfully seize a significant amount of counterfeit goods.
-

8.2. What do you consider to be the key factors that contributed to this success?

- (1) Case 1: Consolidate the prosecution of all cases promptly after notification.
The prosecutor discovered that the offender had applied for a large number of phone numbers and reported the case to the [REDACTED] High Prosecutors Office. The [REDACTED] High Prosecutors Office then instructed the district prosecutors offices to transfer and consolidate relevant cases to a single district prosecutors office for prosecution.
 - (2) Case 2: The key factor contributing to this success was the effective use of the IP address to analyze potential locations where the suspects might run online stores and store counterfeit goods.
-

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☒ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☐ Lack of unified legal frameworks
☐ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☒ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- [4] Advanced digital forensics and investigation techniques
[3] Use of AI and machine learning for trademark protection
[1] Best practices in cross-border enforcement collaboration
[2] Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No
☒ Yes

If yes, please briefly describe:

- (1) International Seminar on Digital Piracy and Trade Secrets
- (2) Each year, the Intellectual Property Office of the Ministry of Economic Affairs and the National Police Agency collaborate to organize the "Intellectual Property and Online Infringement Investigation Course" to enhance the professional knowledge, legal literacy, and online investigation skills of judicial police personnel involved in combating intellectual property rights violations.

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

- (1) International Seminar on Digital Privacy and Trade Secrets: Feedbacks from participants who have practical experiences.
 - (2) Participants in the "Intellectual Property and Online Infringement Investigation Course" must pass a written examination before completing the training, achieving a minimum score of 70 to receive a certificate of completion.
-

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

Holding regular workshops to enable members to share important investigation cases and latest legal mechanisms, improve jurisdiction's legal framework, and promote law enforcement cooperation.

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

- [3] Collaborative development of monitoring tools
 - [2] Shared intelligence and data analytics
 - [1] Joint enforcement operations and task forces
 - [4] Public awareness and education campaigns
 - [] Other (please specify): _____
-

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

Dilemmas in cross-border investigations of infringement cases.

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

- ☒ No
- ☐ Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

Yes, because more and more trade is made through online platforms due to the pandemic.

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No
☒ Yes

If yes, please briefly describe:

Strengthen measures to remove infringing websites by forfeiting IP addresses.

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No
☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

International cooperation and information exchange methods.

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

Accelerating the exchange of information and evidence in cross-border infringement cases.

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No
☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:

N/A

Survey for Research and Data Collection: Please completed and send it back no later than 7 September 2024

APEC SURVEY FOR IP POLICY MAKERS (IP OFFICES / GOVERNMENTAL AUTHORITIES)

This survey is part of an APEC's Project IPEG 201_2023A titled "Guidebook on digital enforcement to improve fight trademark counterfeiting". An initiative aimed at strengthening digital enforcement systems for trademark protection in e-commerce across the region. The main objective is to gather information on the capacity of APEC economies to implement, improve, and develop measures to combat the growing volume of trademark counterfeiting in the digital environment.

Your responses will contribute to a comprehensive analysis of current practices, challenges, and opportunities in digital trademark protection. The results will be used to develop guidelines and recommendations for improving trademark protection strategies across APEC economies and enhancing confidence in digital trade.

We greatly appreciate your time in completing this survey.

Respondent Information

Economy: USA

Name of the Institution: XXXXXXXXXXXXXXXXXX

Name of the person responsible for completing the survey: XXXXXXXXXXXXXXXXXX

Position held at the institution: XXXXXXXXXXXXXXXXXX

Years of experience related to IP enforcement: XXXXXXXXXXXXXXXXXX

Email: XXXXXXXXXXXXXXXXXX

**Note: all personal data will be protected and not be published neither disclosed*

1. CURRENT ENFORCEMENT MEASURES ADDRESSING THE DIGITAL TRADEMARK COUNTERFEITING

1.1. Does your economy have any regulation or relevant legal provisions implementing measures, strategies, policies, or activities carried out to combat trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please provide the name, year of implementation and links if available:

- **INFORM Consumers Act**, 2023, <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title15-section45f&num=0&edition=prelim>
- **PRO-IP Act of 2008**, 2008, <https://www.congress.gov/bill/110th-congress/senate-bill/3325>
- **Trademark Counterfeiting Act of 1984**, 1984, <https://www.congress.gov/bill/98th-congress/senate-bill/875>
- **Lanham (Trademark) Act**, 1946, https://www.uspto.gov/sites/default/files/trademarks/law/Trademark_Statutes.pdf

1.2. Does your economy have implemented any of the following digital enforcement measures? (Select all that apply)

☒ Online monitoring systems

☒ Notice and takedown procedures

☒ Digital forensics

☒ Collaboration with e-commerce platforms

☒ Consumer education programs

☐ Others (please specify): _____

1.3. Please describe briefly the main objectives and mechanisms of your most effective enforcement measures, strategies, policies, or activities either legal or technological, to combat trademark counterfeiting in the digital environment:

- Coordinating enforcement actions
- Information sharing among participating partners
- Public-private partnerships
- Public awareness campaigns

1.4. How would you rate the overall effectiveness of your current digital enforcement measures in reducing trademark counterfeiting?

Very ineffective (1) ____; (2) ____; (3) ____; (4) ____; (5) ____ **Very effective**

2. CHALLENGES OF TRADEMARK PROTECTION IN THE DIGITAL ENVIRONMENT

2.1. What are the main challenges your economy faces in combating trademark counterfeiting in e-commerce? (*Rank from 1-5, with 1 being the most significant challenge*)

- ☒ Rapid technological changes
- ☒ Cross-border enforcement issues
- ☒ Limited resources (human, financial, technological)
- ☐ Lack of cooperation from e-commerce platforms
- ☒ Inadequate legal framework
- ☐ Lack of a culture of respect for trademark rights.

2.2. Is there any other barrier or difficulty, different from the aforementioned, that your institution faces in designing and implementing digital IP enforcement policies to combat trademark counterfeiting in the digital environment? (*Please, briefly describe*):

3. REGARDING ENFORCEMENT AUTHORITIES FOR THE DIGITAL ENVIRONMENT

3.1. Are online trademark counterfeit infringements enforced through administrative, civil, and/or criminal mechanisms?

Please briefly describe:

In the US, since counterfeit goods are often purchased online and shipped from abroad, several enforcement options are available, such as:

- Customs enforcement: U.S. Customs and Border Protection (CBP) stops counterfeit goods at the border, preventing their entry into the U.S. market, especially those purchased online and shipped in small packages from overseas sellers.
- Section 337 investigations: The U.S. International Trade Commission (ITC) enforces trademark (as well as patent) rights by investigating unfair imports and issuing exclusion orders that directs Customs to stop infringing imports from entering the United States.
- Civil and criminal enforcement: Rights owners can pursue civil lawsuits against bad actors, while the U.S. Department of Justice (DOJ) prosecutes bad actors with criminal penalties, including fines and imprisonment.

3.2. Who are the digital IP enforcement authorities responsible for combating trademark counterfeiting in the digital environment at the administrative, civil and criminal level?

NAME	CONTACT INFORMATION	OFFICIAL WEBSITE	BRIEF DESCRIPTION
National Intellectual Property Rights Coordination Center (IPR Center)		https://www.iprcenter.gov/	The IPR Center develops initiatives, coordinates enforcement actions and shares information

			related to intellectual property (IP) theft. It also stops predatory, illegal trade practices that threaten the public's health and safety, the U.S. economy and domestic security.
--	--	--	---

3.3. Do these authorities coordinate with other public institutions potentially involved in combating trademark counterfeiting (e.g. customs authorities, local governments, public prosecutors, courts, police, etc.)?

☐ No

☒ Yes

If yes, please briefly describe:

- The IPR Center uses the expertise of over 25 key federal and international agencies to share information, develop initiatives, coordinate enforcement actions and conduct investigations related to IP theft and commercial fraud crimes.
- For the list of partnerships, visit <https://www.iprcenter.gov/partnerships>

3.4. Are there any support programs or initiatives by government authorities or dedicated IP units to facilitate IP enforcement and to combat trademark counterfeiting in the digital environment?

PROGRAM NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
Operation In Our Sites	IPR Center	Operation In Our Sites specifically targets websites and their operators that distribute counterfeit and pirated items over the Internet, including counterfeit pharmaceuticals and pirated movies, television shows, music, software, electronics and other merchandise, as well as products that threaten public health and safety.
Operation Body Armor	IPR Center	Operation Body Armor targets the illegal importation of unapproved, counterfeit or adulterated personal healthcare and beauty products into the U.S. As online sales have skyrocketed, incidents of illegal product importation have dramatically increased. Several federal government agencies have joined forces with the health and beauty industry to combat smuggling and safeguard U.S. consumers.

3.5. Are there any public policies or strategies in place to support digital protection of trademarks specifically for vulnerable populations or SMEs?

POLICY NAME	AUTHORITY IN CHARGE	BRIEF DESCRIPTION
IP Protect	IPR Center	In partnership with Michigan State University's Center for Anti-Counterfeiting and Product Protection (A-CAPP), U.S. Chamber of Commerce, and the Better Business Bureau, this joint initiative provides resources – free of charge – to aid small to medium-sized enterprises in protecting themselves against IP theft, fraud and cyber security awareness.

3.6. If so, please provide contact details for any SMEs or representatives of vulnerable groups that have benefited from such digital IP enforcement measures to combat trademark counterfeiting in the digital environment.

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
		See here: https://www.iprcenter.gov/ip-protect

4. COLLABORATION WITH E-COMMERCE PLATFORMS

4.1. Does your economy have formal cooperation agreements or coordination with major e-commerce platforms to combat trademark counterfeiting?

☐ No

☒ Yes

If yes, please list the platforms:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION
Amazon		https://www.ice.gov/news/releases/ipr-center-amazon-launch-operation-fulfilled-action-stop-counterfeits
International AntiCounterfeiting Coalition (IACC)		https://www.ice.gov/news/releases/hsi-led-national-ipr-center-international-anticounterfeiting-coalition-join-forces

4.2. What type of collaborative activities does your economy engage in with e-commerce platforms? (*Select all that apply*)

☒ Information sharing

☒ Joint enforcement operations

☒ Training and capacity building

☒ Development of best practices

☐ Others (please specify): _____

4.3. Does your economy have formal cooperation agreements or coordination with local code top-level domain (ccTLD) operators to combat trademark counterfeiting?

☐ No

☒ Yes

If yes, please provide the operators information and describe the collaboration and its results, if any:

NAME	CONTACT INFORMATION	BRIEF DESCRIPTION OF COLLABORATION
NEUSTAR, INC.	<p>NEUSTAR, INC. Contracting Officer: Anthony Kram</p> <p>21575 RIDGETOP CIRCLE STERLING, VA 20166 202-482-5676</p> <p>https://www.ntia.gov/files/ntia/publications/us_contra ct_june_28_2019.pdf</p>	<p>The National Telecommunications and Information Administration (NTIA), part of the U.S. Department of Commerce, awarded to Neustar a contract to continue operating the .us registry for 10 years, at no cost to the federal government. The new contract was awarded on June 28, 2019, with a period of performance beginning on August 29, 2019. The .us registry is the official ccTLD of the United States and has over two million domain names under management. The usTLD is managed on behalf of the U.S. government through this contract overseen by NTIA.</p> <p>See pages 171, 196, 378, 383 and 585 regarding counterfeiting.</p> <p>https://www.ntia.gov/sites/default/files/publications/technical_proposal_volume_1_0.pdf</p>

4.4. Is there any mechanism in place to monitor and evaluate the effectiveness of collaborative activities carried out within the framework of cooperation agreements? (e.g. statistics, periodical audits, etc.)

☐ No

☒ Yes

If yes, please briefly describe the method used:

- The Office of the Intellectual Property Enforcement Coordinator (IPEC)'s Annual Intellectual Property Report to Congress: <https://www.whitehouse.gov/ipec/reports-and-documents/>

5. LEGAL FRAMEWORK TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

5.1. During the last decade, have there been any relevant changes in the laws of your economy aimed at improving the combat of trademark counterfeiting in the digital environment?

☐ No

☒ Yes

If yes, please provide details:

- INFORM Consumers Act

5.2. Are there any pending legislative proposals in your economy to enhance enforcement capabilities in the digital environment?

☐ No
☒ Yes

If yes, please briefly describe:

- There is a legislative proposal under consideration in the U.S. Congress that may provide contributory liability for certain electronic commerce platforms for certain uses of a counterfeit mark by a third party on such platforms.

5.3. Have any barriers or regulatory limitations been identified in your economy hindering the protection of trademarks in the digital environment?

5.4. If so, how do these barriers or regulatory limitations impact the effectiveness of trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the highest limitation*)

- ☐ Slows down enforcement actions
☐ Limits the ability to prosecute offenders
☐ Reduces deterrence against counterfeiters
☐ Increases operational costs for enforcement agencies
☐ Other (please specify): _____

5.5. Are there any specific regulatory changes you believe would significantly enhance trademark protection in the digital environment? (*Rank from 1 to 5, with 1 being the most effective*)

- ☐ Introduction of expedited legal processes
☐ Implementation of higher penalties for offenders
☐ Adoption of new technologies for enforcement
☐ Enhanced cooperation between regulatory bodies and the private sector
☐ Other (please specify): _____

5.6. How are actions to combat trademark counterfeiting in the digital environment typically initiated in your jurisdiction?

- ☐ Ex-officio (by the authorities on their own initiative).
☐ Only upon request by the rights holder.

[x] Both ex officio and upon request, depending on the situation.

Please, provide any additional context or explanation:

5.7. What types of preliminary, precautionary and/or definitive measures are authorities empowered to enact to prevent trademark counterfeiting once detected in the digital environment? *(Please, provide a list of the five more relevant measures)*

PRELIMINARY MEASURES	DEFINITIVE MEASURES
-	-
-	-
-	-
-	-
-	-

Preliminary Measures

- Preliminary injunctions
- Temporary restraining orders (TRO)
- Etc.,

Definitive Measures

- Permanent injunctions
- Monetary damages
- Destruction of counterfeit items
- Domain name seizures
- Etc.,

5.8. Is a preliminary injunction bond or security bond (acting as a counter-guarantee) required to the plaintiff when applying for preliminary measures against trademark counterfeiting in the digital environment?

[] No, never:

[] Yes, sometimes.

[x] Yes, always.

If so, please provide any additional context or explanation:

- For example, Federal Rule of Civil Procedure 65(c) requires applicants seeking preliminary injunctions or temporary restraining orders to post security before the injunction can be issued. Determination of the amount to be posted is at the judge's discretion: "(c) Security. The court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have

been wrongfully enjoined or restrained. The United States, its officers, and its agencies are not required to give security.”

5.9. If a preliminary injunction bond or security bond is required, how is the amount typically determined?

- ☒ Fixed amount set by law.
☒ Percentage of the estimated damage.
☒ At the discretion of the authority.
☒ Based on the value of the authentic goods.
☐ Other (please specify):

5.10. What policy measures do you suggest APEC economies should adopt to improve the overall effectiveness of digital enforcement against trademark counterfeiting in e-commerce? (Select all that apply)

- ☒ Harmonization of legal frameworks and standards
☐ Establishment of a central database for counterfeit reports
☒ Regular regional meetings and workshops for enforcement authorities
☒ Incentives for private sector collaboration
☐ Other (please specify):

6. LEGAL ACTIONS TO COMBAT DIGITAL TRADEMARK COUNTERFEITING

6.1. Over the past 5 years, approximately how many legal actions to combat trademark infringement in the digital environment were initiated each year?

	2019	2020	2021	2022	2023
Legal actions					

6.2. Do you know what percentage of the total number of trademark infringement cases in your economy these legal actions represent?

- ☒ No
☐ Yes

If yes, please provide the percentage and details:

6.3. To the best of your knowledge, what is the estimated annual volume of goods or services with counterfeit trademarks in your economy?

Please, provide this information in terms of monetary value, number and type of counterfeit items.

	Monetary value (in USD)	Number	Type
Annual volume of goods or services with counterfeit trademarks			

6.4. What percentage of this counterfeiting do you estimate occurs in the digital environment?

N/A

6.5. Enforcement Methods for Digital IP Infringement:

Which of the following legal paths are the most commonly pursued when addressing trademark counterfeiting in the digital environment? (*Rank from 1 to 5, with 1 being the most common*).

[3] Criminal proceedings

[1] Civil litigation

[2] Administrative procedures

[4] Alternative dispute resolution (e.g., mediation, arbitration)

[] Other (please specify):

6.6. Please, rate these legal paths in order of effectiveness for addressing trademark counterfeiting in the digital environment (*Rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"*).

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
Criminal proceedings						
Civil litigation						
Administrative procedures						
Alternative dispute resolution (arbitration, mediation, etc.)						
Others (please specify):						

7. TECHNOLOGY AND TOOLS USED FOR DIGITAL ENFORCEMENT

7.1. What technologies or tools does your economy currently use for digital enforcement and how effective do you consider these technologies are in improving such digital enforcement efforts?

Please, select all that apply and rate each one from 1 to 5, with 1 representing "Very Ineffective" and 5 representing "Very Effective"

Legal Paths	Not applicable	1 (Very ineffective)	2	3	4	5 (Very effective)
AI-powered image recognition.						
Blockchain for traceability.						
Big data analytics.						
Automated web crawlers.						
IP trackers.						
Others (please specify):						

7.2. What common technological solutions do you believe should be prioritized by APEC economies to enhance enforcement against trademark counterfeiting in the digital environment?

8. CASE STUDIES AND BEST PRACTICES

8.1. Please share a brief case study of a successful enforcement action against trademark counterfeiting in the digital environment of your economy:

8.2. What do you consider to be the key factors that contributed to this success?

8.3. Do you know of successful experiences or case studies, different from those of your economy, that you think could be replicated?

- ☐ No
☐ Yes

If yes, please briefly describe:

9. CAPACITY BUILDING AND INTERNATIONAL COOPERATION AMONG APEC ECONOMIES

9.1. What specific challenges do you think APEC economies face in establishing effective cross-border cooperation for combat trademark counterfeiting in e-commerce?

- ☒ Lack of unified legal frameworks
☒ Differences in technological capabilities
☒ Insufficient information sharing mechanisms
☒ Inconsistent enforcement priorities
☐ Other (please specify): _____

9.2. What types of training or capacity-building programs would be most beneficial for enhancing the skills and knowledge of enforcement authorities in APEC economies regarding digital enforcement? (*Rank from 1 to 5, with 1 being the most beneficial*).

- [3] Advanced digital forensics and investigation techniques
[4] Use of AI and machine learning for trademark protection
[2] Best practices in cross-border enforcement collaboration
[1] Legal and regulatory updates on IP enforcement
☐ Other (please specify): _____

9.3. Has your economy participated in or organized any training or capacity-building programs related to enforcement against trademark counterfeiting in digital environments in recent years?

- ☐ No

☒ Yes

If yes, please briefly describe:

- Refer to IPEC Annual Intellectual Property Report to Congress at <https://www.whitehouse.gov/ipec/reports-and-documents/>
-

9.4. How does your economy measure the effectiveness of such training or capacity-building programs?

- Conducting surveys to gather the necessary information to measure benchmarks based on the envisioned criteria of the program.

9.5. In your opinion, how can APEC economies better collaborate to enhance digital enforcement capabilities among them?

- Economies conducting joint programs and workshops

9.6. How can APEC economies leverage public-private partnerships to improve digital enforcement against trademark counterfeiting in e-commerce? (*Rank from 1 to 5, with 1 being the best measure*).

☒ Collaborative development of monitoring tools

☒ Shared intelligence and data analytics

☒ Joint enforcement operations and task forces

☒ Public awareness and education campaigns

☐ Other (please specify): _____

10. FUTURE STRATEGIES

10.1. What areas of digital enforcement do you believe require the most urgent attention or improvement in your economy?

10.2. Are there any innovative approaches or pilot projects that your economy is considering to enhance digital trademark protection?

☐ No

☐ Yes

If yes, please briefly describe:

11. IMPACT OF COVID-19

11.1. Do you consider that the COVID-19 pandemic has affected trademark counterfeiting dynamics in e-commerce in your economy?

- Yes

11.2. Has your economy implemented any specific measures to address challenges arising from the pandemic in relation to digital trademark protection?

☐ No

☒ Yes

If yes, please briefly describe:

- For example, Operation Stolen Promise was launched to address threat posed by COVID-19-related fraud and criminal activity

11.3. Are those measures implemented to address challenges in digital trademark protection, within the context of the pandemic, still in force?

☐ No

☒ Yes

12. FEEDBACK ON THE GUIDEBOOK

12.1. What specific content or topics would you like to see included in the Guidebook on Digital Enforcement?

12.2. How can the guidebook better support your organization's efforts in combating trademark counterfeiting in digital spaces?

12.3. Would you be willing to participate in further discussions or workshops related to the development of this guidebook?

☐ No

☒ Yes

13. ADDITIONAL COMMENTS

13.1. Please provide any additional information, suggestions, or comments you believe would be valuable for this study:
