
**Joint Statement on an
Expert Cooperation Charter in the Area of Anti-Scam**

Joint Statement on an Expert Cooperation Charter in the Area of Anti-Scam

WHEREAS:

- (1) Fraud and misappropriation of fees relating to the protection of Intellectual Property rights is a phenomenon that undermines the relationship of trust between public Intellectual Property Offices and their users;
- (2) Fraud, scam and other similar schemes cause pecuniary damage and frustration to clients and can even result in the loss of legal rights when certain types of fees are not duly paid within the requisite deadlines;
- (3) Practices of this kind are common to all Intellectual Property Offices around the world;
- (4) Fraud continues to embitter the relationship between National, Regional and International Intellectual Property Offices and their clients, who often feel that the Offices have not taken sufficient measures to safeguard their legal interests;
- (5) Users expect National, Regional and International Intellectual Property Offices to take appropriate measures to curb these malicious practices;
- (6) The successful suppression of fraud requires a global strategy, committed and persistent action and well-focused measures.

CONSIDERING:

- (1) The crucial role of experience and information-sharing in this context, contributing to strengthening the capacity of the organisations to respond to the challenges arising from fraud;
- (2) The willingness of EUIPO, National Intellectual Property Offices (“NOs”), International Organisations administering Intellectual Property rights (“IOs”) and User Associations (“UAs”) to further step up their joint efforts in the pursuit of a better and more efficient suppression of fraud;
- (3) The readiness of EUIPO, NOs, IOs and UAs to align their efforts with a view to ensuring the most efficient use of their respective resources in the fight against fraud;
- (4) The shared conviction of EUIPO, NOs, IOs and UAs that their joint cooperation will increase efficiency and consistency in the fight against fraud and in the raising of awareness among users;
- (5) The fact that further cooperation between EUIPO, NOs, IOs and UAs would facilitate and reinforce coordination and the creation of synergies;
- (6) The fact that enhanced cooperation between EUIPO, NOs, IOs and UAs will enable joint participation in common projects for the benefit of their respective users, while avoiding unnecessary duplication of efforts and resources;

- (7) The fact that EUIPO, NOs, IOs and UAs have the human, technical and material resources needed to implement the objectives set out in this Joint Statement,

THE FOLLOWING JOINT STATEMENT HAS BEEN MADE:

1. Object

1.1. The EUIPO, Regional and National Intellectual Property Offices, IOs and UAs listed in Annex 1 of this Joint Statement (hereinafter “Organisations subscribing to this Joint Statement”) declare their readiness to voluntarily cooperate by participating in a dedicated Anti-Scam Network (hereinafter “the Network”) to be entrusted with the activities provided for in section 3, below.

1.2. This Joint Statement seeks to establish a general framework for the voluntary cooperation within the Network, to lay down the objectives pursued by it, and to define the scope of the actions commonly undertaken by the Organisations subscribing to this Joint Statement.

2. Framework of Cooperation and Objectives of the Network

2.1. Participation in any of the activities of the Network shall be voluntary.

2.2. The subscription of this Joint Statement does not entail any transfer of funds between the subscribing Organisations. Each Organisation shall bear its own costs in relation to the activities implemented in the framework of this Joint Statement. Possible co-financing schemes could further be explored on a purely voluntary basis.

2.3. EUIPO is entrusted with the secretariat of the Network, the coordination and central repository including the transmission of relevant information.

2.4. The Organisations subscribing to this Joint Statement shall appoint one or more representatives(s) acting as contact point(s) and undertake to inform the Network Secretariat of any change in the person or contact details of their representatives.

2.5. The Organisations subscribing to this Joint Statement will strive to curb fraudulent activities by identifying and pursuing appropriate courses of action and exchanging best practices, in particular by raising awareness through communication, taking IT security measures and efficient legal action.

2.5. The Organisations subscribing to this Joint Statement will strive to cooperate by aligning and/or combining their efforts in the most rational manner, with a view to promoting synergies and achieving common results.

2.6. Each Organisation subscribing to this Joint Statement shall guarantee that the documents, information and any other knowledge of a confidential nature resulting from the implementation of this Joint Statement will not be disclosed or transmitted to third Parties without the prior consent of the other Organisations.

3. Scope of Cooperation

3.1. The Organisations subscribing to this Joint Statement will strive to cooperate within the Network focussing on the following areas:

(a) Information-sharing on instances of suspected fraud and compilation of a register of examples of malicious practices and of entities involved in such practices:

- The creation of comprehensive, publicly available registers (repositories) of examples of malicious practices and of entities involved in such practices.
- The above registers will be made accessible through the web-page of each Organisation subscribing to this Joint Statement.
- The above registers will be kept as visible as possible. The contents of the registers may be transmitted, where necessary, to the competent enforcement authorities or investigative agencies.
- The Organisations subscribing to this Joint Statement will share all relevant information they receive directly or through their users in a timely manner following a method to be agreed by them, so as to ensure that said registers are updated regularly.

(b) Information-sharing on best practices, successful enforcement and know-how:

Cooperation by sharing experience and best practices in the development and maintenance of registers, ways in which fraud has been successfully fought in different jurisdictions, awareness campaigns and other know-how.

(c) Mutual assistance with a view to legal actions:

- Exploring ways of providing advice and assistance to one another and, whenever possible, facilitating legal actions taken by another Organisation or user in their respective territories. This may include, inter alia, obtaining affidavits from affected users, or providing relevant information.
- Initiation of legal actions in different territories by one or several Organisations, whenever possible and depending on their respective budgetary limits and rules, as well as on their respective involvement in any given action.

(d) Submission of draft legislative proposals to the competent authorities:

Cooperation, as necessary, to identify, study and develop appropriate legislative proposals on legal remedies specifically designed to address scam, with a view to transmitting them to the authorities competent for initiating legislative processes at national or EU level.

(e) Defining common warnings and actions:

Cooperation, as necessary, to define common warnings on websites, publications, harmonized templates.

(f) Coordination of IT security measures and dissemination policy:

Coordination, as necessary, of IT security measures and dissemination policy.

3.2. Notwithstanding the areas mentioned under paragraph 3.1, and whenever deemed appropriate for the achievement of the objectives that are sought through this Joint Statement, the Organisations subscribing to it may establish such other forms of cooperation as may be agreed upon in the future.

4. Subscription to the Joint Statement

The Organisations that subscribed to this Joint Statement are listed in Annex 1.

Participation remains open to any NO, IO, UA and to any EU institution, body or agency that wishes to join the Network.

The Network may cooperate with other entities, in particular with any EU institution, body or agency, which may be invited to the meetings of the Network as observers.

Annex 1
to the Joint Statement on an Expert Cooperation Charter in the Area of Anti-Scam

Organisations that subscribed to the Joint Statement by 31 January 2018:

- EUIPO
- National IP Offices:
 - Belgium
 - Bulgaria
 - Czech Republic
 - Denmark
 - Germany
 - Estonia
 - Ireland
 - Greece
 - Spain
 - Cyprus
 - Latvia
 - Lithuania
 - Hungary
 - Malta
 - Austria
 - Poland
 - Portugal
 - Slovenia
 - Slovakia
 - Finland
 - Sweden
 - United Kingdom
 - BOIP
- EFTA IP Offices:
 - Iceland
 - Norway
- WIPO
- User Associations:
 - AIM
 - APRAM
 - BMM
 - COAPI
 - ECTA
 - INTA
 - MARQUES

Observers:

- European Patent Office
- Europol