

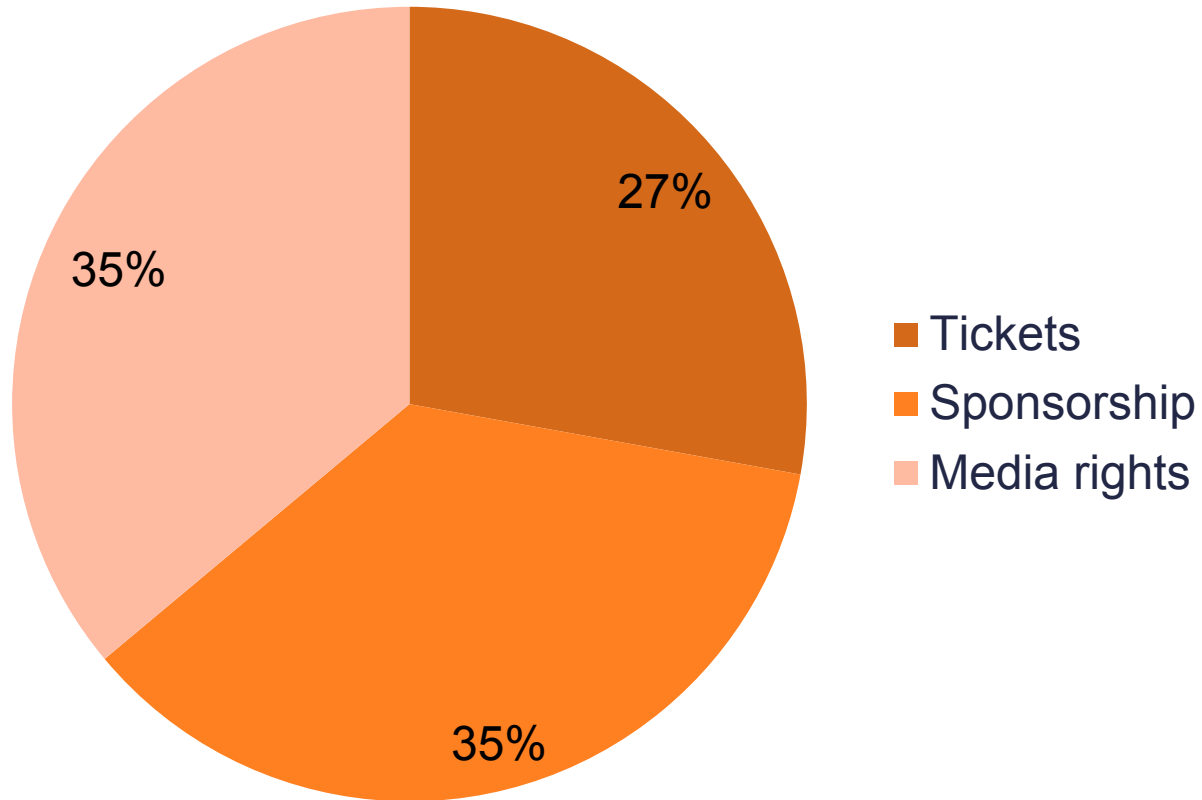


Enforcement of IP Rights

**Regional Seminar on
Intellectual Property and Sports
April 13 - 14, 2016
Vilnius, Lithuania**

**Thomas Dillon
Legal Counsellor, Building Respect for IP Division**

Sports Events Revenues (2013)



Source: A T Kearney

IP enforcement problems

- Branded goods - counterfeits
- Media rights - piracy
- Event sponsorship – ambush marketing

Legal Framework in EU

- World Trade Organization – Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPS”) (1994)
- Directive 2004/48/EC on the enforcement of intellectual property rights
- Regulation (EU) No 608/2013 concerning customs enforcement of intellectual property rights
- Article 8(3), Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society

Enforcement measures

■ Criminal sanctions

- Prosecution of offences
- Domain name seizure
- Freezing proceeds of crime

■ Customs – border measures

■ Civil actions

- Injunction/damages claim against infringer
- Site-blocking injunction against ISP

■ Self-help

- Cooperation on advertising

WTO TRIPs Agreement - Baseline

■ *Article 61*

Members shall provide for criminal procedures and penalties to be applied at least in cases of wilful trademark counterfeiting or copyright piracy on a commercial scale. Remedies available shall include imprisonment and/or monetary fines sufficient to provide a deterrent, consistently with the level of penalties applied for crimes of a corresponding gravity.

In appropriate cases, remedies available shall also include the seizure, forfeiture and destruction of the infringing goods and of any materials and implements the predominant use of which has been in the commission of the offence...

Lithuania: main IP offences

■ Criminal Code

- Article 192: unlawful reproduction, distribution etc of copyright-protected work – up to 3 years + fine
- Article 194: removal of technical protection measures – up to 2 years + fine
- Article 204: illegal use of trademarks and designs – up to 2 years + fine

■ Code of Administrative Offences

- Article 153(10): production, sale etc of illicit decoders – up to 1,500 to 3,000 *lity* (€ 434 – 868)

Other charges

- Fraud
- Customs and excise
- Tax
- Racketeering and money laundering
- Drug and food legislation
- Labour related legislation
- Aiding, abetting, attempt

Civil Actions: © and ™

■ Directive 2004/48/EC

- Injunctions
 - *Interim (Article 9)*
 - *Final (Article 11)*
- Damages/Recovery of profits (Article 13)
- Recall/destruction of infringing goods & materials and implements principally used in manufacture (Article 10)
- Information (Article 8)
- Publication of judgment (Article 15)


Registered trademarks

www.ebay.com/itm/Barcelona-replica-kit-jersey-and-shorts-M-L-XL-brand-new-/191841261853?var=&hash=item724aa97b43

Hit Sign in or register | Daily Deals | Gift Cards | Sell | Help & Contact | REFRESH YOUR LIFE | My eBay | |

Shop by category | Search... | All Categories | Search | Advanced

Back to Store | Listed in category: Sporting Goods > Team Sports > Soccer > Clothing, Shoes & Accessories > Other Soccer Clothing & Accs > Sports Mem, Cards & Fan Shop > Fan Apparel & Souvenirs > Soccer-International Clubs



Barcelona replica kit, jersey and shorts M L XL brand new

1 viewed per hour

Item condition: **New with tags** | | Add to watch list

Time left: 29d 00h 5/3, 8:30PM

Size:

Quantity: 3 available

Price: **US \$30.00**

3 watching

Same day shipping | Free shipping | New condition

Shipping: **FREE** Standard Int'l Shipping | [See details](#)
See details about international shipping here.
Item location: default, BA, Thailand
Ships to: Worldwide

Delivery: Estimated between **Tue. Apr. 12** and **Wed. Apr. 27**
 Ships today if paid within **4 hrs 45 mins** [Details](#)

Payments:
Credit Cards processed by PayPal

PayPal CREDIT
Get more time to pay. [Apply Now](#) | [See Terms](#)
[See details](#)

Returns: 14 days money back, buyer pays return shipping | [See details](#)

Seller information
kenber121630 (42)
97% Positive feedback


Visit store: Kenber Lingerie
[See other items](#)

SAVE BIG ON GIFT CARDS FROM YOUR FAVORITE BRANDS

Free Shipping

Registered trademarks


Graphic representation



Trade mark information

Name	(Trade mark without text)	Filing date	08/07/1996
Filing number	000277517	Registration date	21/04/1999
Basis	EUTM	Expiry date	08/07/2016
Date of receipt	05/06/1996	Designation date	
Type	Figurative	Filing language	Spanish
Nature	Individual	Second language	English
Nice classes	9, 14, 18, 25, 28, 42 (Nice Classification)	Application reference	MC 027
Vienna Classification	26.11.01, 26.11.06, 26.11.97 (Vienna Classification)	Trade mark status	Registered
		Acquired distinctiveness	No

Graphic representation



Trade mark information

F.C.B.	Filing date	03/04/1996
000198556	Registration date	08/09/1998
EUTM	Expiry date	03/04/2016
03/04/1996	Designation date	
Figurative	Filing language	Spanish
Individual	Second language	English
25, 28, 41 (Nice Classification)	Application reference	CTM/S-1085
21.03.01, 24.01.05, 24.07.23, 24.13.01 (Vienna Classification)	Trade mark status	Registered
	Acquired distinctiveness	No



NFL Fakes - Operation Red Zone (2012/13)

The screenshot shows the homepage of the 'SAINTS STORE', which is the official online store for the New Orleans Saints. The header includes navigation links for 'Home', 'Add to Favorite', and 'Blog', along with a search bar and a shopping cart icon showing '(0) \$0.00'. Below the header is a navigation menu with categories: 'SHOP BY PLAYERS', 'CUSTOMIZED', 'YOUTH', 'IPHONE CASE', 'MEN', 'T-SHIRTS', 'WOMEN', and 'HATS'. The main content area features a large advertisement for a 'JIMMY GRAHAM JERSEY' in white and dark blue, with options for 'WOMEN'S', 'MEN'S', and 'YOUTH'. The ad includes a 'FREE SHIPPING' banner and a 'SHOP NOW' button. Below the main ad are three smaller product thumbnails. At the bottom, there are three sections: 'SHOP POPULAR CATEGORIES' with a list of items (Customized, Youth, iPhone Case, Men, T-Shirts, Women), 'New Arrivals' showing a dark blue jersey with 'YOUR NAME' and '00', 'Top Sellers' showing a white jersey with 'YOUR NAME' and '00', and 'Featured Picks' showing another white jersey with 'YOUR NAME' and '00'.



For more information on IP theft please click on this banner

This domain name has been seized by U.S. Immigration and Customs Enforcement pursuant to a seizure warrant issued by a United States District Court under the authority of 18 U.S.C. §§ 981 and 2323.

Willful copyright infringement is a federal crime that carries penalties for first time offenders of up to five years in federal prison, a \$250,000 fine, forfeiture and restitution (17 U.S.C § 506, 18 U.S.C. § 2319). Intentionally and knowingly trafficking in counterfeit goods is a federal crime that carries penalties for first time offenders of up to ten years in federal prison, a \$2,000,000 fine, forfeiture and restitution (18 U.S.C. § 2320).

Streaming – Live broadcast

The screenshot shows the website www.rojadirecta.me in a browser window. The page features a red header with the site's logo and a navigation menu. The main content area is divided into several sections:

- Today on Internet TV:** A search bar with a "Search" button and a list of live events including Snooker, Cycling, Cricket, Rugby, Motor Sport, Golf, Handball, Basketball, Tennis, and Darts.
- Download last full matches:** A list of recent matches from various sports like Baseball, NBA, and others.
- Last video highlights:** A list of video highlights from recent matches.
- Social Media:** A Facebook "Like Page" button and a section for friends to like the page.

At the bottom of the page, there are icons for Creative Commons Attribution-NonCommercial-NoDerivs (CC BY NC ND) and a footer with contact information and links to the site's blog, Facebook, and Twitter.

Streaming – Live broadcast



Site-blocking orders



Infringing site

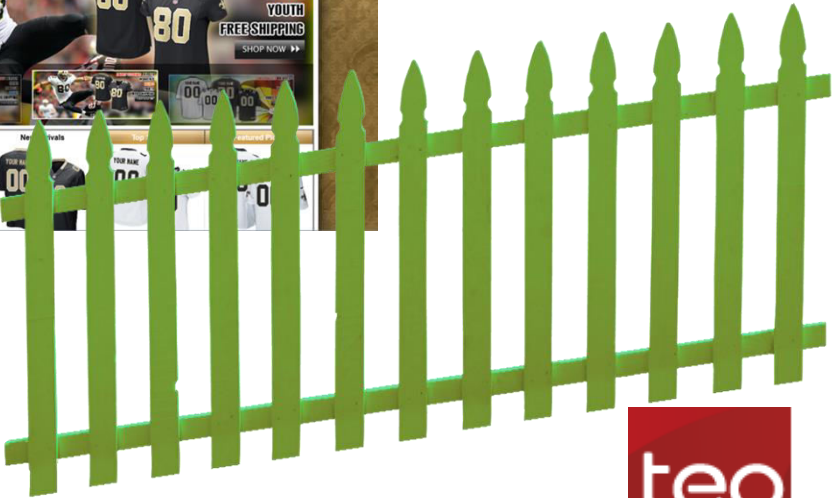


User



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Site-blocking orders



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Site blocking injunctions - copyright

78 straipsnis. **Teisė reikalauti taikyti tarpininkui draudimus**

1. Autorių teisių, gretutinių teisių ir sui generis teisių subjektai, gindami savo teises, turi teisę kreiptis į teismą ir reikalauti uždrausti tarpininkui teikti elektroninių ryšių tinklais paslaugas tretiesiems asmenims, kurie šiomis paslaugomis naudojami pažeisdami autorių teises, gretutines teises ar sui generis teises. Draudimas teikti šias paslaugas apima su autorių teisių, gretutinių teisių ar sui generis teisių pažeidimu susijusios informacijos perdavimo sustabdymą arba, jei tarpininkas techniškai gali atlikti, tokios informacijos pašalinimą, arba prieigos prie autorių teises, gretutines teises ar sui generis teises pažeidžiančios informacijos panaikinimą.

Site blocking injunctions - trademarks

4. Šio straipsnio 1 dalyje nurodyti asmenys, gindami savo teises, turi teisę kreiptis į teismą ir reikalauti uždrausti tarpininkui teikti paslaugas tretiesiems asmenims, kurie šiomis paslaugomis naudojami pažeisdami šio įstatymo nustatytas teises. Šis draudimas apima su šio įstatymo nustatytų teisių pažeidimu susijusios informacijos perdavimo sustabdymą arba, jei tarpininkas techniškai gali tai atlikti, tokias teises pažeidžiančios informacijos pašalinimą, arba draudimą gauti šias teises pažeidžiančią informaciją. Toks teismo sprendimo įvykdymas neatleidžia tarpininko nuo atsakomybės už veiksmus ar neveikimą, susijusius su tokios informacijos laikymu ar perdavimu, buvusiu iki šio sprendimo įsigaliojimo.

Site blocking injunctions – streaming

Case No: HC13F02471

Neutral Citation Number: [2013] EWHC 2058 (Ch)
IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 16 July 2013

Before :

THE HON MR JUSTICE ARNOLD

Between :

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED Claimant

- and -

(1) BRITISH SKY BROADCASTING LIMITED Defendants

(2) BRITISH TELECOMMUNICATIONS PLC

(3) EVERYTHING EVERYWHERE LIMITED

(4) TALKTALK TELECOM LIMITED

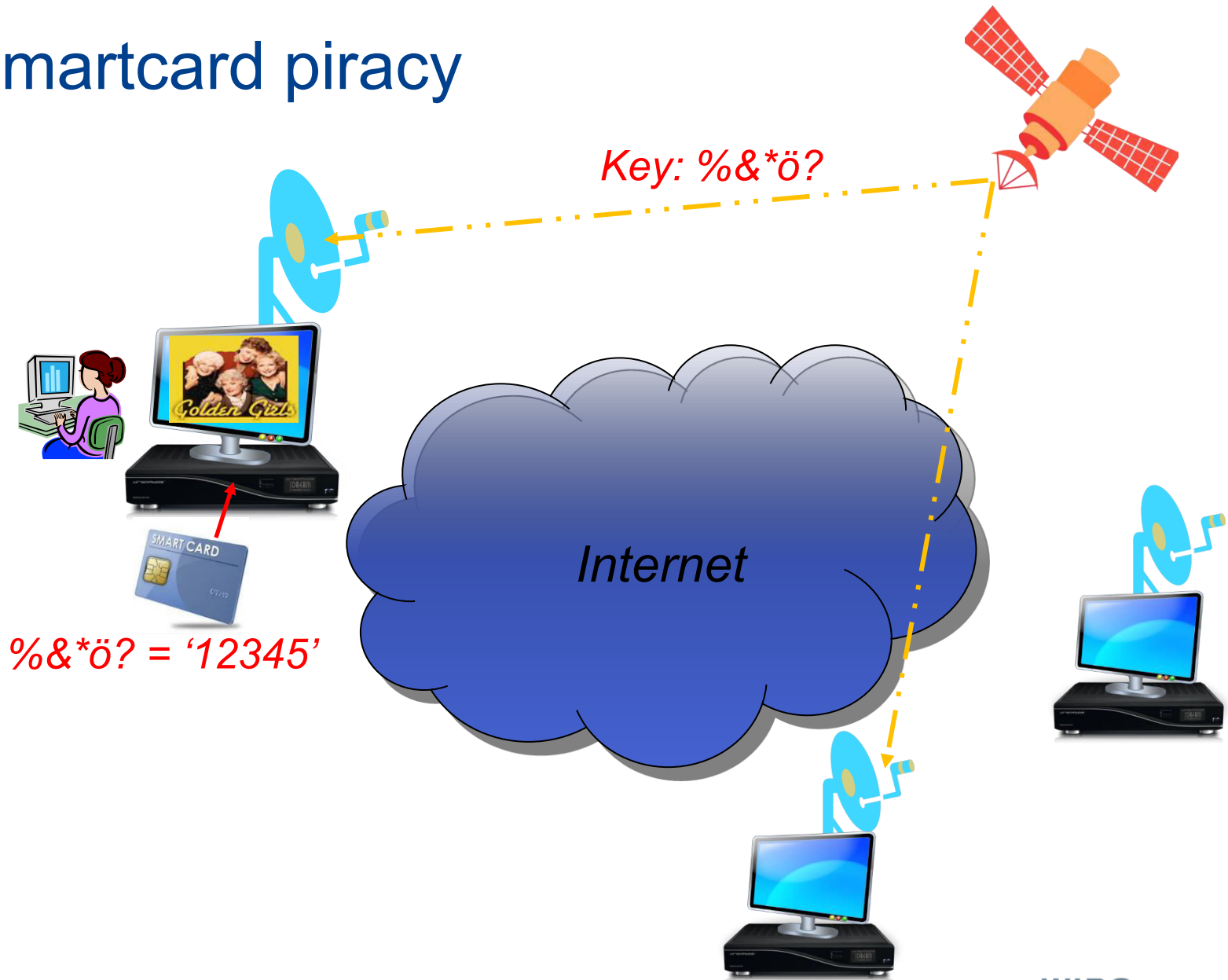
(5) TELEFÓNICA UK LIMITED

(6) VIRGIN MEDIA LIMITED

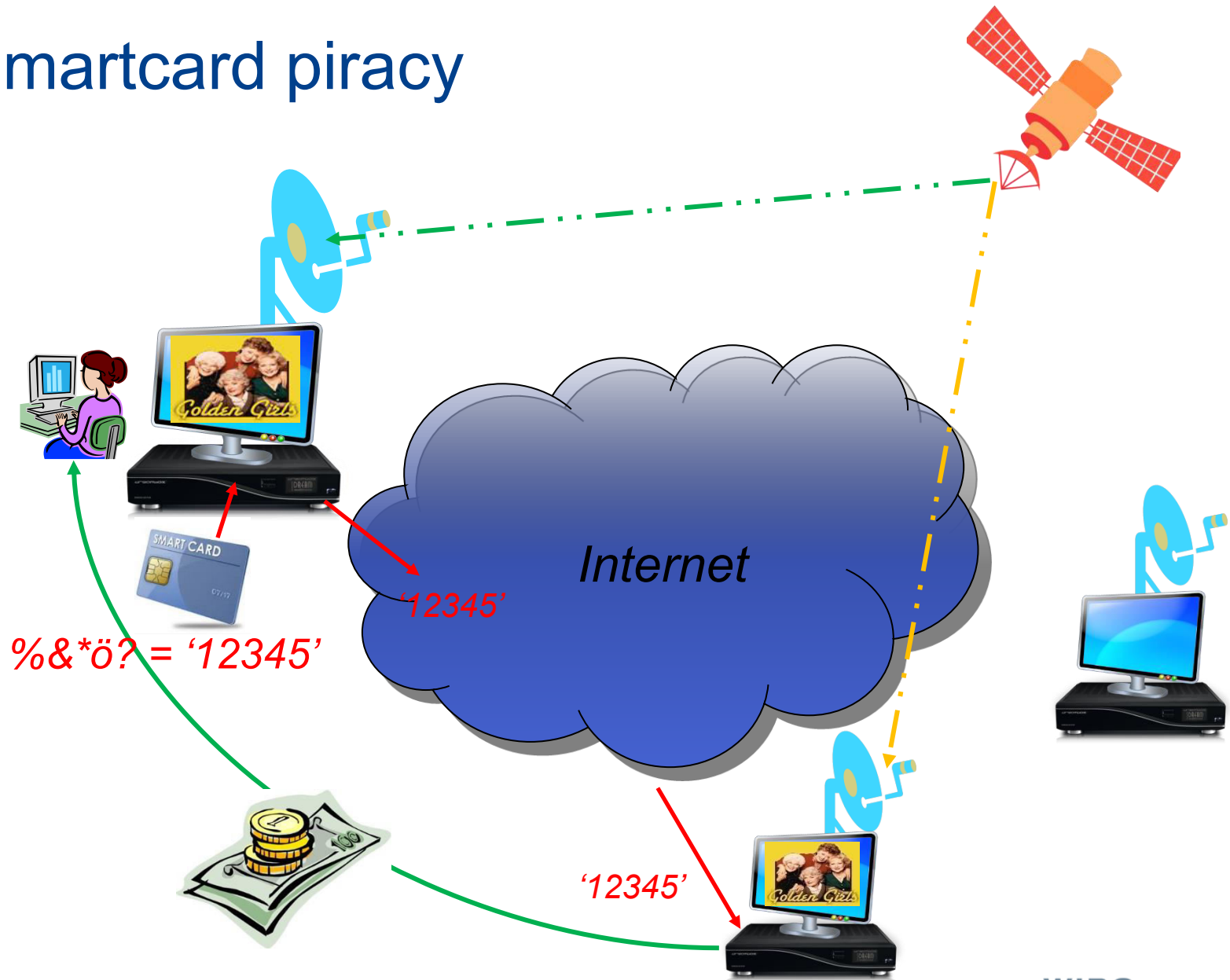
Ian Mill QC and James Segan (instructed by DLA Piper UK LLP) for the Claimant
The Defendants did not appear and were not represented

Judgment

Smartcard piracy



Smartcard piracy



Circumvention of TPMs

■ 74 straipsnis. Techninės apsaugos priemonės

1. Autorių teisių, gretutinių teisių ir sui generis teisių subjektai šiame Įstatyme nustatytoms teisėms įgyvendinti arba apsaugoti gali naudoti veiksmingas technines apsaugos priemones (bet kokią technologiją, įtaisus ar jų sudedamąsias dalis), skirtas normaliai veikiant uždrausti arba riboti su autorių teisių, gretutinių teisių ar sui generis teisių objektais atliekamus veiksmus, kurių neleidžia autorių teisių, gretutinių teisių ar sui generis teisių subjektai...
3. Bet kokių veiksmingų techninių apsaugos priemonių šalinimas ar vengimas, kai asmuo tai daro žinodamas ar turėdamas žinoti, kad jis siekia pašalinti autorių teisių, gretutinių teisių ar sui generis teisių subjektų taikomas technines apsaugos priemones ar jų išvengti, yra laikomas techninių apsaugos priemonių pažeidimu.

Conditional Access: Administrative Offences Code

153(10) straipsnis. Dekoderių, kitų dekoduojančių įrenginių ar programinės įrangos, kurie suteiktą galimybę neteisėtai gauti prieigą prie apsaugotųjų paslaugų, paprastai teikiamų už užmokestį, gaminimas, laikymas, importavimas, eksportavimas, pardavimas ar kitoks perleidimas, pakeitimas, instaliavimas arba naudojimas komerciniais tikslais, taip pat šios įrangos reklamavimas

Dekoderių, kitų dekoduojančių įrenginių ar programinės įrangos, kurie suteiktą galimybę neteisėtai gauti prieigą prie apsaugotųjų paslaugų, paprastai teikiamų už užmokestį, gaminimas, laikymas, importavimas, eksportavimas, pardavimas ar kitoks perleidimas, pakeitimas, instaliavimas arba naudojimas komerciniais tikslais, taip pat šios įrangos reklamavimas – užtraukia baudą įmonių, įstaigų, organizacijų vadovams bei fiziniams asmenims nuo vieno tūkstančio penkių šimtų iki trijų tūkstančių litų su dekoderių, kitų dekoduojančių įrenginių ar programinės įrangos konfiskavimu.

Tokie pat veiksmai, padaryti asmens, bausto administracine nuobauda už šio straipsnio pirmojoje dalyje numatytą pažeidimą, _ užtraukia baudą nuo dviejų tūkstančių iki keturių tūkstančių litų su dekoderių, kitų dekoduojančių įrenginių ar programinės įrangos konfiskavimu

Social media

The image shows a screenshot of a Facebook profile for 'ilemi.eu'. The profile picture is a collage of soccer players from Real Madrid and FC Barcelona, with the text 'ilemi.eu TV Network' and 'neolive.eu Live Sport For Free' overlaid. The cover photo is a promotional image for 'EL CLASICO' between Real Madrid and FC Barcelona, featuring Cristiano Ronaldo and Neymar Jr. The profile has 17,634 likes. A recent post from November 20, 2015, is visible, titled 'Real Madrid vs FC Barcelona #ElClasico Spain - Primera Division' with a link to a live stream. The post includes a large image of the 'EL CLASICO' match and a share button. The Facebook interface includes a navigation bar at the top with 'facebook' and 'Sign Up' buttons, and a search bar for posts on the page.

facebook [Sign Up](#) Email or Phone Password [Log In](#)
 Keep me logged in Forgot your password?

[Create Page](#)

Recent
2015
2014
2013
2012
2011
2009

ilemi.eu
is on Facebook.
To connect with ilemi.eu, sign up for Facebook today.
[Sign Up](#) [Log In](#)

neolive.eu
Live Sport For Free
ilemi.eu
TV Network

[Timeline](#) [About](#) [Photos](#) [Likes](#) [Videos](#)

Search for posts on this Page

PEOPLE [>](#)
17,634 likes

ABOUT [>](#)
<http://www.neolive.eu/>
TV Network

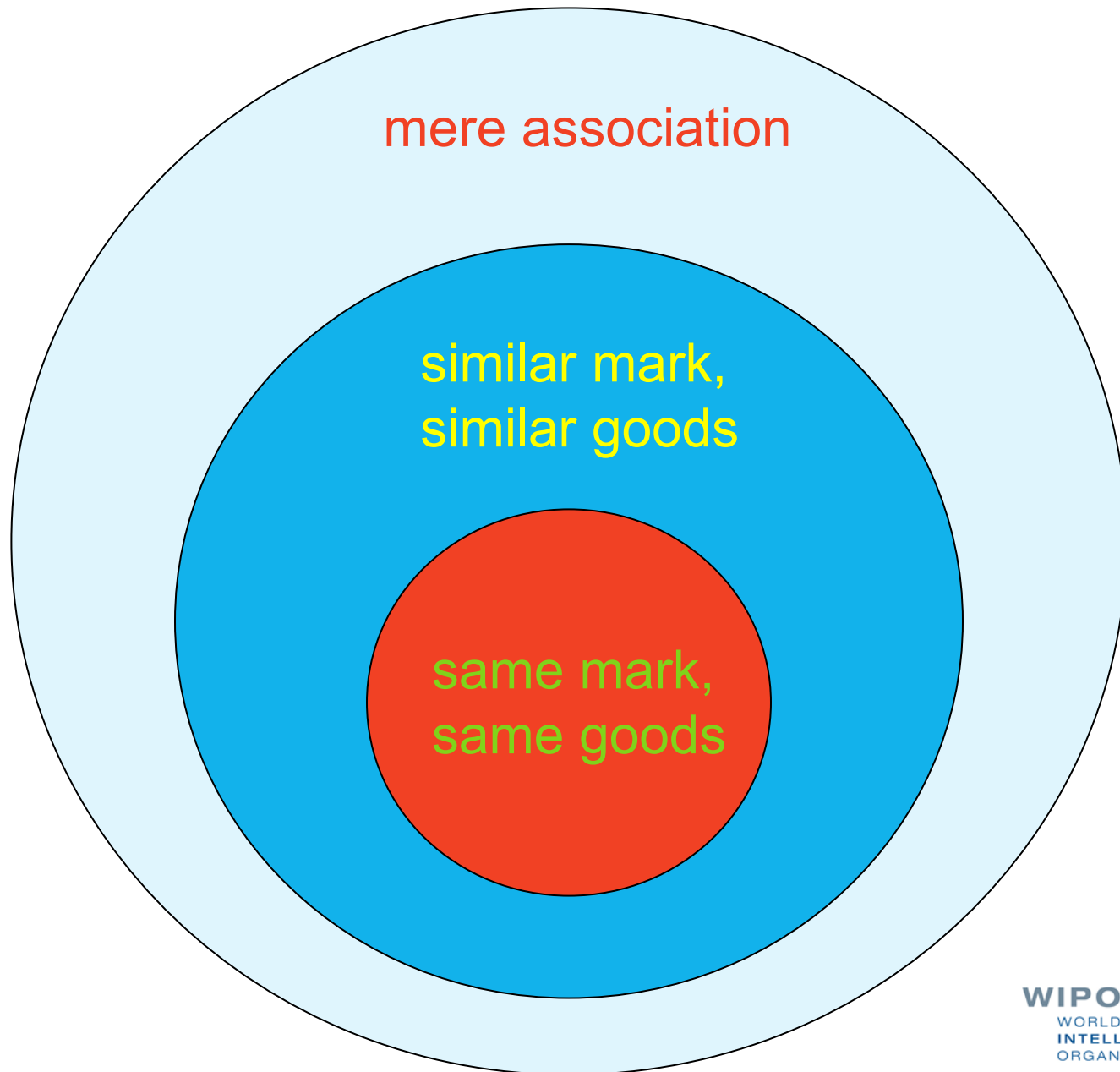
PHOTOS [>](#)

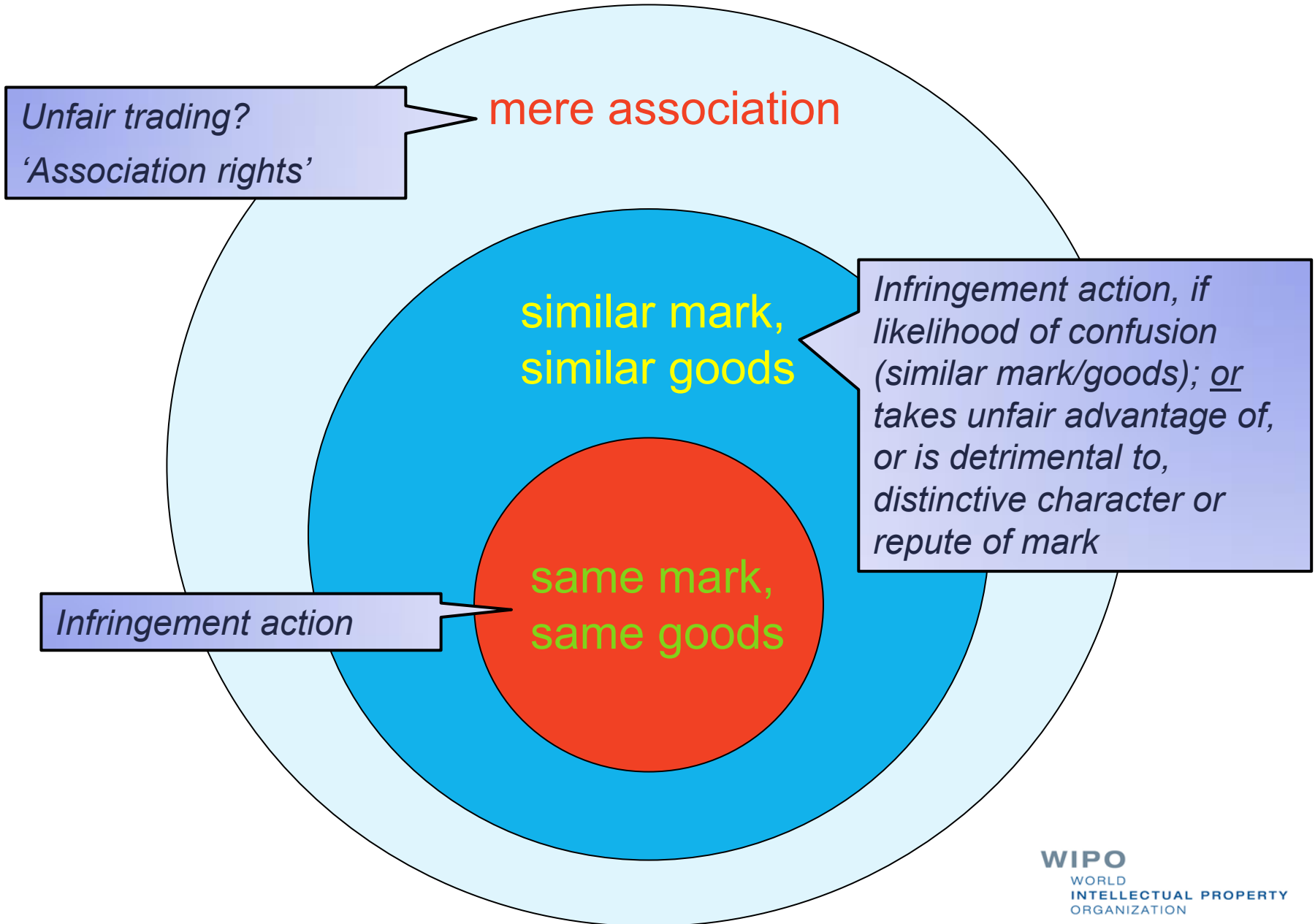
ilemi.eu
November 20, 2015 · 🌐
Real Madrid vs FC Barcelona #ElClasico
Spain - Primera Division
online--> <http://goo.gl/Hgd2A7>

EL CLASICO

Share

Enrique Gonzalez and Nikola Bošnjak like this.





Unfair trading?
'Association rights'

mere association

similar mark,
similar goods

Infringement action, if
likelihood of confusion
(similar mark/goods); or
takes unfair advantage of,
or is detrimental to,
distinctive character or
repute of mark

Infringement action

same mark,
same goods

London Olympic Games and Paralympic Games Act 2006, Schedule 4

Infringement: general

2(1) A person infringes the London Olympics association right if in the course of trade he uses in relation to goods or services any representation (of any kind) in a manner likely to suggest to the public that there is an association between the London Olympics and—

(a) the goods or services, or

(b) a person who provides the goods or services...

London Olympic Games and Paralympic Games Act 2006, Schedule 4

Infringement: specific expressions

3(1) For the purpose of considering whether a person has infringed the London Olympics association right a court may, in particular, take account of his use of a combination of expressions of a kind specified in sub-paragraph (2).

(2) The combinations referred to in sub-paragraph (1) are combinations of—

(a) any of the expressions in the first group, with

(b) any of the expressions in the second group or any of the other expressions in the first group.

London Olympic Games and Paralympic Games Act 2006, Schedule 4

First Group	Second Group
games	gold
Two Thousand	silver
and Twelve	bronze
2012	London
twenty twelve	medals
	sponsor
	summer

liveSportStreams.net

f Like 1.2k

Login | Signin

Search term...

LIVE SPORT STREAM

LIVE SCORES

Football Volleyball Basketball Motor Sports Winter Sports Tennis Others

TODAY 4 TRANSMISSION ONLINE!

bwin 7 April 2016 - 21:05
 Dortmund - Liverpool
 £30 Welcome Bonus **BET NOW!**

1	1.57	X	4.25	2	5.5
---	------	---	------	---	-----

18+ T&C Apply

Borussia Dortmund - Liverpool



Discipline: Football
 Tournament: UEFA Europa League
 Date: 07.04.2016
 Time: 21:05

f Like 1.2k G+1 0

sportingbet £25 Welcome Offer
£25 Welcome Offer
SIGN UP NOW

100% FIRST DEPOSIT BONUS UP TO C\$100



TERMS APPLY. SEE WEBSITE FOR DETAILS 18+ GAMBLEWARE.CO.UK. FREE BET STAKE NOT INCLUDED IN WINNINGS. **BET NOW**

MONEY BACK IF YOUR FIRST BET LOSES*

UNIBET
 *18+. Terms & Conditions By players, for players

TV Live streams User

TV Broadcasts		Live text reports	
Country	TV	Country	Site name
No added broadcasts.		World	sport24h
Log In to add Broadcast		Log In to add Broadcast	

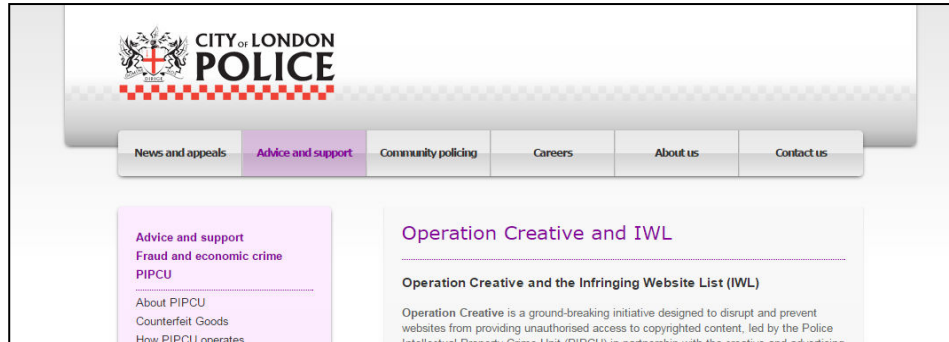
YOUR COMMENTS

Add comment

There are no comments. Add the first.

liveSportStreams.net
 1,284 likes

f Like Page Share



CITY OF LONDON POLICE

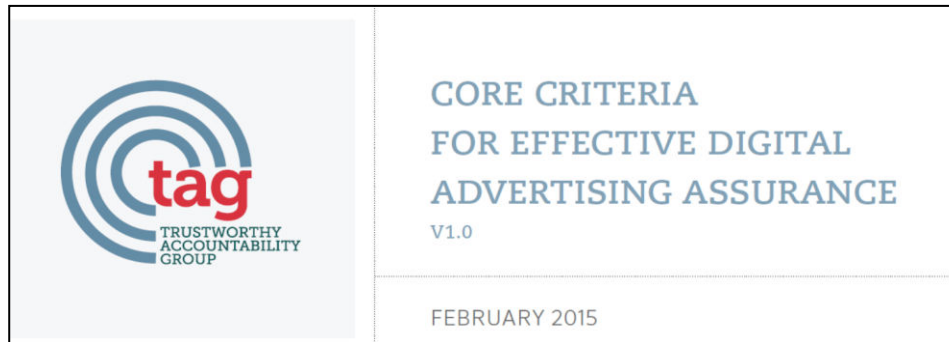
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Advice and support
 Fraud and economic crime
 PIPCU
 About PIPCU
 Counterfeit Goods
 How PIPCU operates

Operation Creative and IWL

Operation Creative and the Infringing Website List (IWL)

Operation Creative is a ground-breaking initiative designed to disrupt and prevent websites from providing unauthorised access to copyrighted content, led by the Police Intellectual Property Crime Unit (PIPCU) in partnership with the creative and business sectors.



tag
 TRUSTWORTHY
 ACCOUNTABILITY
 GROUP

**CORE CRITERIA
 FOR EFFECTIVE DIGITAL
 ADVERTISING ASSURANCE**
 V1.0

FEBRUARY 2015



Liberté • Égalité • Fraternité
 RÉPUBLIQUE FRANÇAISE
 Ministère Culture et Communication

**Plan d'action du Gouvernement pour la lutte
 contre le piratage**

*Signature de la charte des bonnes pratiques dans la publicité en ligne
 pour le respect du droit d'auteur et des droits voisins*

Soutien à la création



Die Werbewirtschaft

Zentralverband der deutschen Werbewirtschaft ZAW e.V.

Wert der Werbung

Branchendaten

Werbepolitik

Selbstregulierung

Standpunkte

Presse

ZAW

Selbstregulierung zur Eindämmung von Werbung auf illegalen Webseiten vor dem Bundeskartellamt in der Sackgasse (ZAW Pressemitteilung Nr. 4/15)

BERLIN, 22. April 2015 - Die Initiative der Kultur-, Kreativ- und Werbewirtschaft zur Eindämmung von Werbung auf illegalen Webseiten ist an den Vorstellungen des Bundeskartellamts gescheitert. Unter dem Dach des Zentralverbands der deutschen Werbewirtschaft (ZAW) hatten die Beteiligten ein transparentes System für eine Selbstregulierung entwickelt, nach dem strukturell urheberrechtswidrige Internetangebote definiert und auf einer Liste zusammengefasst werden sollten. Damit wäre es der Werbewirtschaft möglich gewesen, Werbeschaltungen auf diesen Webseiten zurückzudrängen.

In vielen Ländern sind vergleichbare Initiativen mit dem Ziel, keine Werbung auf illegalen Download- und Streaming-Portalen auszuliefern, bereits etabliert. Der auch von EU-Kommission und Bundesregierung begrüßte „Follow the money“-Ansatz hätte jetzt ebenfalls in Deutschland umgesetzt werden können. Das Bundeskartellamt, mit dem die Beteiligten frühzeitig den Dialog suchten und dem sie Kompromissvorschläge präsentierten, entdeckt in der Selbstregulierung jedoch vorrangig kartellrechtliche Probleme. Besonders stört sich das Amt an der aktiven Beteiligung der Werbewirtschaft. „Ohne die Werbetreibenden ist es jedoch schon begrifflich keine gemeinsame Selbstregulierung mehr und widerspricht zudem grundsätzlich dem Ansatz einer branchenübergreifenden Lösung. Es bleibt der



World Intellectual Property Day 2016
April 26
**Digital Creativity:
Culture Reimagined**