European Commission

EUIPO
EUROPEAN UNION INTELLECTUAL PROPERTY OFFICE

EU enforcement of intellectual property rights: results at the EU border and in the EU internal market 2020

November 2021

ISBN 978-92-9156-304-3

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Executive Summary

In previous years, DG TAXUD and the EUIPO have published separate reports describing the annual results of the enforcement of intellectual property rights (IPRs) carried out by the respective enforcement authorities at the EU border and within the EU internal market. The two entities now have agreed to jointly publish an annual document presenting the efforts made and work carried out by all authorities in the domain of the enforcement of the IPRs. This edition provides the figures for the detentions of IPR-infringing goods and other related information in 2020.

This factual document on the 'EU enforcement of intellectual property rights: results at the EU border and in the EU internal market, 2020', has been produced from the data on the detentions at the EU border reported by the customs authorities of all the Member States, through the EU-wide anti-counterfeit and anti-piracy information system (COPIS)([1]), as well as the data on detentions within the internal market reported by the enforcement authorities of 23 out of 27 EU Members States ([2]), through the IP Enforcement Portal (IPEP) ([3]). Its objective is to provide useful information to support the analysis of IPR infringements in the EU and the development of appropriate countermeasures. On a broader scale, it should provide EU policymakers with data to develop an evidence base for priorities and policies.

Despite the efforts of national authorities some data gaps remain due to different reasons.

([1]) In accordance with the relevant EU customs legislation (and in particular Regulation (EU) No 608/2013), COPIS is the EU-wide anti-COunterfeit and anti-PIracy information System containing all applications for action and all detentions. COPIS is the only legal channel for sharing information between rights holders and customs.

([2]) To be succinct, the part of the EU internal market corresponding to a Member State will be referred to, throughout the document, as the Member State's national market.

([3]) Records on national market detentions are not available from the Austrian and German enforcement authorities, the first because their regulations do not allow the Police to execute *ex officio* seizures of counterfeit or pirated goods in the national market, and the second because they have not yet joined the data provision network. Moreover, data for 2020 detentions are still missing from Finland and Sweden.

Detentions at the EU border in 2020

The annual number of detentions ([4]) of goods suspected of infringing an IP right by customs authorities at the EU border decreased significantly in 2020 compared to the previous year (from circa 90 000 in 2019 to circa 70 000 in 2020). The number of initiated procedures has also decreased from approximately 117 000 in 2019 to approximately 102 000 in 2020. A similar development can be observed with regard to the number of detained articles (from some 41 million in 2019 to some 27 million in 2020). However, the estimated value of the detained articles has slightly increased from some EUR 759 million to some EUR 778 million, due in equal parts to a shift of the basket of products detained towards more expensive items than in the previous year (more Clothing) and to the increase of the estimated unit price of some of the products detained (Watches), which neutralised the otherwise expected reduction in the estimated value of the detentions as a consequence of the reduction in the number of items detained. The Covid crisis certainly had an impact on detentions results at the border for 2020 due to a combination of various factors, such as less trade in the first months of the pandemic, less goods crossing the borders as well as enforcement authorities facing difficulties to deliver controls as usual.

In terms of number of procedures, the product subcategories ([5]) appearing most were common consumer products (Clothing and Footwear, both sport and non-sport shoes) and luxury products (Bags, wallets and purses, and Watches). In turn, in terms of the number of articles detained, the subcategories in which the unitary item is usually smaller in size and value and are mainly transported in bigger shipments in containers or trucks (Packaging materials, Lighters, Other goods) led the top 5, but there was also a strong presence of Foodstuffs and Clothing. Regarding the estimated value of the products detained, luxury products whose corresponding genuine item had a high unitary domestic retail value (in particular due to the brands involved), such as Watches, Clothing and Bags, wallets, purses, clearly led the ranking.

As to the provenance of the articles infringing IPRs arriving in the EU, the volumes show that the primacy of China (for the majority of categories), Hong Kong, China (main source of Mobile phone accessories and Labels, tags, stickers) and Turkey (main source of Clothing, Medicines and Clothing

([4]) Each detention is called a case, which includes a number of individual articles, ranging from one to several million, and can cover different categories of goods and different rights holders. For each rights holder in a case, a procedure will be initiated by customs.

([5]) For a complete overview of categories and subcategories see Annex E and Annex F.

accessories) as countries of provenance is constant, whereas several other countries appear for single categories.

The relation between the number of cases and type of goods is also reflected in the means of transport. Most cases with common consumer products but a low quantity of articles take place by postal and express courier. Together they represent 85 % of all cases but only 5 % of the number of articles. The main transport modes for bringing articles into the EU are sea and road transport, which together represent 87 % of all shipped articles but only 2.8 % of all cases.

Where infringed IPRs ([6]) have been recorded, trade marks predominated as the most infringed IPR in detentions at the EU border (in over 72 % of the articles detained where at least one IPR was infringed, a trade mark was infringed). Other infringed rights were designs (over 27 % of the items detained), followed far behind by copyright and geographical indications ([7]).

In almost 83 % of the detention procedures started by customs, the goods were destroyed under the standard or small consignment procedure after the owner of the goods and the rights holder agreed to their destruction. In 7 % of the detentions, either a court case was initiated to determine the infringement, or the goods were dealt with as part of criminal proceedings, or an out-of-court settlement was reached. However, in 10 % of the procedures the articles were released, either because the rights holder did not respond to the notification sent to them by customs, or because the articles were eventually found to be original goods, or because there was no infringement situation.

Detentions within the EU internal market in 2020

The trend of IPRs infringing goods detained in the EU internal market increased in 2020 compared to the previous year. Indeed, according to the figures reported by police, customs and market surveillance authorities in that scenario, the annual number of IPR-infringing goods reported as detained increased in 2020 (46 million) compared to 2019 (44 million). The figures reported have been conditioned, but only partially, by the pandemic lockdown scenario and by the lack of data

([6]) Hereinafter, IPR.

([7]) The total number of reported IPRs infringed in the detentions, both in COPIS and in IPEP, exceeds the number of detained items, at the EU border and in the EU internal market respectively. This is because the two tools allow multiple assignments of IPRs infringed to the detention of an item.

provided by the British enforcement authorities. The detentions made in 2019 by the internal market enforcement authorities that did not report in 2020 amounted to some 1.3 million items. Despite these gaps in the provision of data, the number of items detained in the EU internal market showed a slight increase of 1.6 million items between 2019 and 2020, which represents a 3.6 % interannual increase in terms of number of items reported as detained. However, the estimated value of those items detained decreased by EUR 0.5 billion, representing a 27 % interannual decrease, due to the reduction of the unit value of the main or more expensive products detained (in particular Recorded CDs/DVDs, Jewellery and Clothing accessories).

For both the number of items detained and estimated value, the top 5 Member States accounted for in the area 89-93 % of total detentions in the internal market during 2020. In terms of number of items detained, Italy clearly led the way with almost 40 % of the items. In terms of estimated value, Greece was in first position with over 48 %. Hungary and France also appeared in both number of items and estimated value top 5 ranking, whereas Bulgaria and Croatia completed this rank in terms of number of items detained and estimated value respectively.

In the top 4 identified product subcategories, Clothing accessories led the list, both in terms of number of items reported as detained within the EU internal market and in terms of their estimated value, followed by Recorded CDs/DVDs, also in both parameters. Packaging materials and Labels, tags, stickers subcategories complete the top 4 most detained identified products within the EU internal market in 2020, while Clothing and Non-sport shoes complete the list in terms of estimated value. It should be highlighted that Packaging materials, with its potential multiplier effect for the production of more fake products by wrapping unbranded products within fake packaging materials, also appeared in the top 5 most detained products at the EU border.

Lastly, trade marks predominated as the most infringed IPR in detentions in the EU internal market (over 76 % of the articles detained). Other infringed rights such as designs (in circa 23 % of the items detained) closely followed by copyright (over 22 %) and, to a lesser extent, patents played a role as infringed IPRs in the internal market.

Overall detention data in 2020: aggregated data at the EU border and in the EU internal market

The volume of fake items detained and not released in the EU was approximately 66 million items in 2020. This implies a reduction of almost 13 % of the number of items reported as detained and

not released compared to 2019 (76 million items). Over 69 % of those were detained in the internal market and the rest at the EU border.

The estimated value of fake items detained in the EU amounted to some EUR 2 billion. This value represents a decrease of circa 19 % compared to the previous year. Almost 65 % of the total value of detained items reported was accounted for by detentions in the internal market while the remaining resulted from detentions at the EU border.

The 10 Member States with the highest number of detentions reported accounted for over 91 % both by volume and by estimated value of the items. Italy recorded the highest individual figures by volume, with over 34 % of the total detentions, and Greece did so by estimated value with 34 %.

The 4 most common subcategories ([8]) of identified detained products, in terms of the number of items detained, were Clothing accessories, Packaging materials, Recorded CDs/DVDs and Labels, tags, stickers. These four subcategories accounted for 49 % of the products recorded.

In terms of estimated value of the items reported, the top 4 subcategories of products identified were led, by far, by Clothing accessories, followed by Clothing, Recorded CDs/DVDs and Watches. These subcategories represented more than 68 % of the estimated value of detentions reported during 2020.

([8]) See the classification of products used in this report in Annex E and Annex F.

Report Content

1 Introduction

Globalisation, the development of new technologies and the formidable new opportunities they create for business and consumers also have a dark side. Their misuse has compounded the damaging global effect of counterfeiting. Clandestine markets and illegitimate channels have given way to sophisticated networks of counterfeiters with mass production capacities that operate internationally and that pose as authorised legal distributors and even attempt to enter the legal supply chain. Within this framework, extreme events and emergency situations such as the current world pandemic or weather-related disasters and the subsequent derived needs for specific types of products are taken by criminal organisations as ad-hoc opportunities for developing their damaging illegal activities.

At present anyone can access, either physically or online, a wide range of products. Consequently, controlling and supervising existing distribution channels, both legal and, especially, illegal it is becoming more and more complicated.
According to OECD ([9]) estimates, the trade in counterfeit ([10]) and pirated products in 2007 represented 1.95 % of world trade, reached 2.5 % in 2013 (in value, USD 461 billion), increased to 3.3 % in 2016 (USD 509 billion) and decreased back to 2.5 % in 2019 (USD 464 billion) ([11]).

The results provided by the same recent OECD-EUIPO reports are truly alarming for the particular case of the European Union, where the trade in counterfeit and pirated products represented up to 5 % (in 2013), as much as 6.8 % (in 2016) and up to 5.8 % (in 2019) of EU imports from non-EU

([9]) Organisation for Economic Co-operation and Development.

([10]) In this document, the term ‘counterfeit’ refers to tangible goods that infringe trade marks, designs or patents and the term ‘pirated’ to tangible goods that infringe copyright. However, the term ‘fake’ refers by extension to tangible goods that infringe any kind of IP right. These amounts do not include domestically produced and consumed counterfeit and pirated goods, and pirated digital goods distributed online.

([11]) OECD, *The economic impact of counterfeiting and piracy.* Update 2009
OECD/EUIPO: *Trade in Counterfeit and Pirated Goods Mapping the Economic Impact.* 2016
OECD/EUIPO: *Trends in Trade in Counterfeit and Pirated Goods.* 2019
OECD/EUIPO: *Illicit Trade Global Trade in Fakes. A worrying threat.* 2021

countries ([11]) in 2013, 2016 and 2019, respectively. These figures show the need for coordinated actions against IP crime.

Innovation and creativity are the engines of our economy. It is important to provide rights holders with the certainty that the fruits of their inventions, creativity and investment will be protected. The competitiveness of European businesses depends on it. Enforcement remains the first line of defence in the fight against counterfeiting and piracy to protect European rights holders' creation/innovation, European firms' production and revenue and, even more importantly, European citizens' safety and security. Enforcing IPRs in the EU is entrusted to a wide set of national enforcement authorities in the Member States. The detention of goods (at the EU border and in the EU internal market) on the basis of the infringement of IPRs is just one of a wide range of tasks that EU enforcers have.

The keys to effectively combat and reduce this threatening evolution of the phenomenon of counterfeiting are collaboration and sharing information and technical and human resources. For more than 20 years, the European Commission has been publishing an annual report informing about the enforcement of IPRs at the EU border. In 2019, the EUIPO published a first report for the period 2013-2017, informing about the enforcement of those rights in the EU internal market. The present document represents a new step ahead by providing the first joint overview of the detentions of items infringing IPRs at the EU border and in the EU internal market: a kind of annual summary of the work carried out in 2020. This document was jointly prepared by the European Commission – Directorate-General for Taxation and Customs Union, Unit A5 'Protection of citizens and enforcement of IPR' – and the European Observatory on Infringements of Intellectual Property.

Information is presented from as many angles (by Member State detaining, by category of products detained, by IPR allegedly infringed, by means of transport used, by country of provenance of the goods, etc.) as allowed by the data available and, wherever possible, from combinations of several angles simultaneously (e.g. by country of provenance and category of products together).

The annual publication of the result of customs' actions at the EU external border and actions of customs, police and market surveillance authorities' actions in the EU internal market provides an opportunity to measure the scale of the actions required to enforce IPRs. The annual statistics provide useful information to support the analysis of IPR infringements in the EU and the development of appropriate countermeasures by enforcement authorities. Such figures allow for a better understanding of the scope and extent of the problem.

2 Cooperation between enforcers and rights holders

Close cooperation between rights holders and enforcement authorities and the quality of the information shared are of key importance for the latter's coordinated enforcement work, both at the EU border and in the EU internal market. A constant, effective and fluent use of appropriate and secure bidirectional communication channels contributes to the necessary sharing of information between these sets of actors (customs officers, police officers and market surveillance authorities' officers and IPRs holders).

Applications for action (AFA) are the means for rights holders to request customs officers to act and to enforce their IPRs in accordance with Regulation (EU) 608/2013 of the European Parliament and of the Council ([12]). All AFAs are registered by customs in the EU database, COPIS. The process is further explained in section 2.1.

The IP Enforcement Portal ([13]) offers rights holders the possibility to file AFAs in any language of the EU. These AFAs automatically reach COPIS from where enforcers throughout the EU manage the applications for action.

IPEP is also a two-way communication system between enforcement authorities and IPRs holders, providing not only the possibility to send applications for action but also a system for sending alerts about potential infringements ([14]) securely to enforcement authorities, and in particular to police forces. These alerts are a way to draw the attention of enforcement authorities to the problems of the rights holders.

In 2019, a total of 974 alerts about potential infringements were sent by IPRs holders through the IP Enforcement Portal and were received by 65 EU internal market or EU border enforcement

([12]) Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181, 29.6.2013, p. 15).

([13]) The IP Enforcement Portal (IPEP) also contains the former statistical module of, in particular, detentions of goods infringing IPRs in the EU internal market, which was launched in 2013 when, following the mandate to European Observatory on Infringements of Intellectual Property Rights (the Observatory), the EUIPO made the database available to all law enforcement authorities in every EU Member State.

([14]) Named 'Alerts to Police' in the IP Enforcement Portal.

authorities. The EUIPO's training activities on IPEP increased from 40 sessions in 2019 to 206 in 2020. The total number of alerts increased: in 2020, 1 576 alerts about potential infringements were sent by IPRs holders and were received by 68 enforcement authorities.

If enforcement authorities suspect an infringement, IPEP also allows them to contact the IPRs holders swiftly and securely to confirm their suspicion. In 2019, 153 suspicious cases were communicated by 12 enforcement authorities from both the EU border and the EU internal market. In 2020, 390 suspicious cases were communicated by 13 enforcement authorities, representing a large increase in the use of this function.

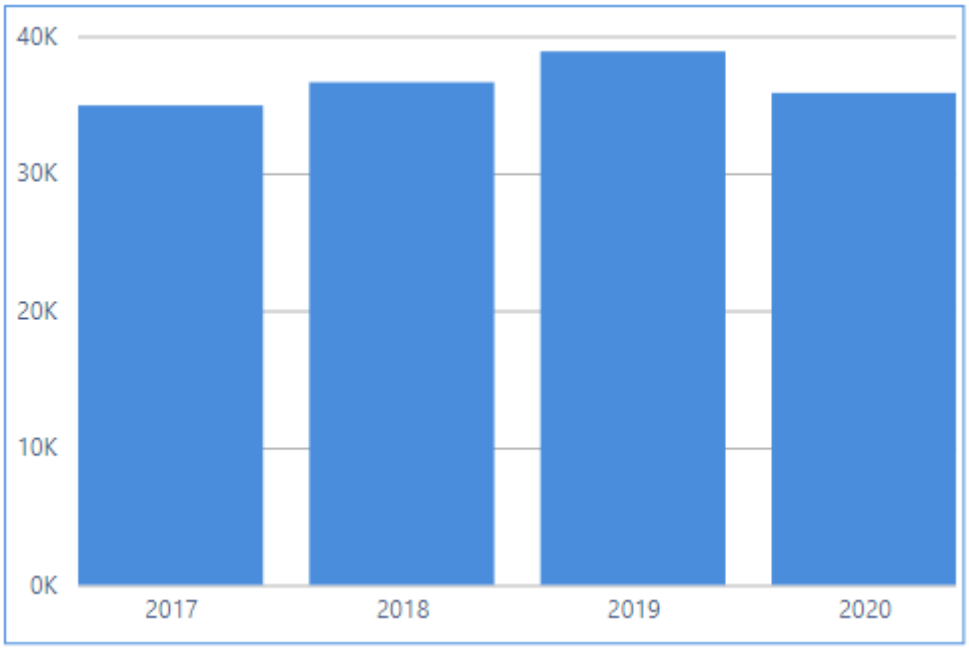
2.1. Cooperation between customs and rights holders

Rights holders may lodge an application for action (AFA), requesting customs to take action in cases where it is suspected that an IPR is infringed. Applications for action can be requested on a national ("national application") or on a European Union basis ("Union application") and are valid for 1 year at a time.

For risk assessment in the field of IPR protection, the importance of close cooperation between customs and rights holders and of the quality of information provided by rights holders in their applications for action is recognised.

The European Commission, in cooperation with the EU Member States, has established a manual for rights holders to explain the procedure for lodging and processing applications for action. (See also the Directorate-General for Taxation and Customs Union's website: http://ec.europa.eu/taxation_customscustoms/customs_controls/counterfeit_piracy/right_holders/index_en.htm).

The number of applications for action (both national and EU) applicable in Member States has decreased compared to previous years (a 7.8 % decrease compared to 2019 and a 2.1 % decrease compared to 2018).



Year	Applications
2017	34 931
2018	36 617
2019	38 866
2020	35 844

Figure 2-1: Number of applications for action 2017-2020

In 2020, 2 288 national applications for action and 1 339 EU applications for action were submitted to the customs authorities. As an EU application for action concerns two or more Member States, it is counted as several applications, that is, equal to the number of Member States in which action is requested. This resulted in 35 844 applications for action in 2020.

EU customs also have the power to act *ex officio* if they suspect an IPR infringement. In such procedures, customs have to identify the rights holder who must submit a national application within 4 working days for customs to be able to continue the detention or suspension of the release of the goods. In line with previous years, the majority of customs actions were initiated by a prior application by the rights holder. Although still a minority, after several years of slow decrease, the percentage of *ex officio* detentions increased steeply in 2020, reaching 2.27 % of all the cases.

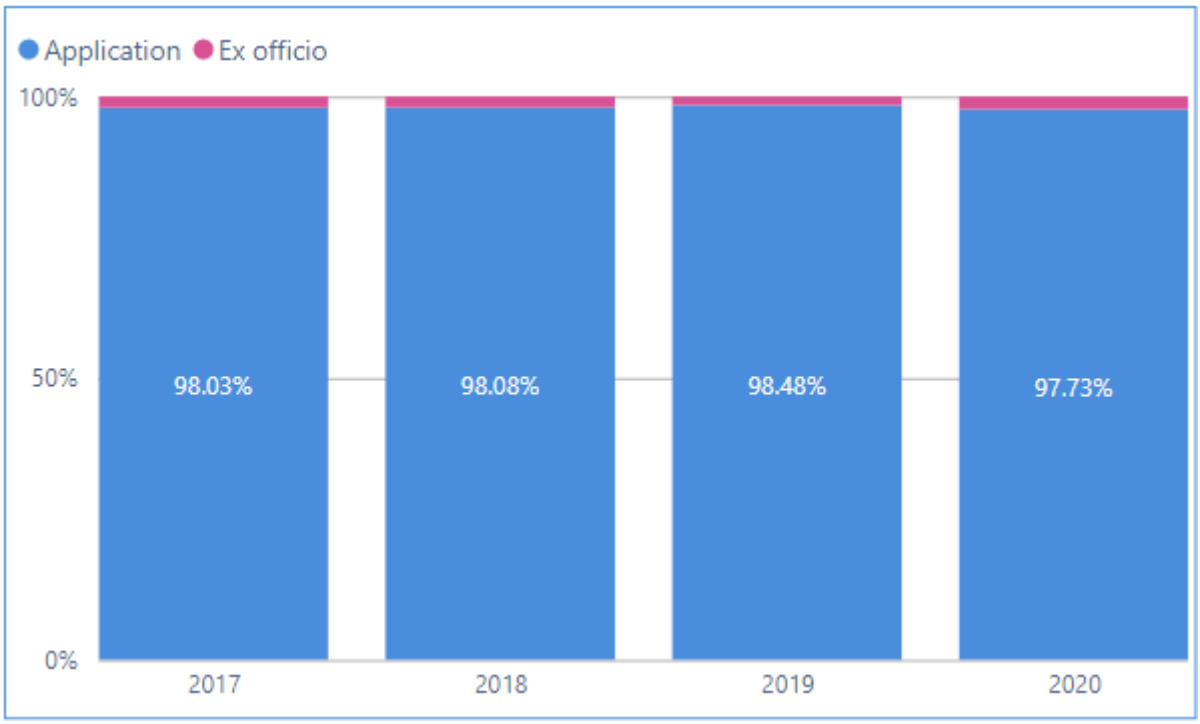


Figure 2-2: Breakdown of procedures by type of intervention 2020

In 44 % of *ex officio* procedures, the goods had to be released because the rights holder could not be identified within 1 working day or the rights holder did not submit an application for action within 4 working days.

2.2. Cooperation between the EU internal market enforcement authorities and rights holders

While collaboration between rights holders and customs authorities is legally based on a request from rights holders to customs authorities detain infringing goods, there is no similar provision for internal market detentions.

In 2020, a total of 16 rights holders sent 975 potential infringement alerts about fake products in the EU internal market through the IP Enforcement Portal, which were received by 5 EU national market enforcement authorities.

Moreover, in 2020, 7 EU internal market enforcement authorities exchanged information with 28 IPRs holders about a total of 229 suspicious cases. This represents a large increase compared with the previous year ([15]).

([15]) These figures are a subset of those presented at the beginning of section 2.

3 Data range and limitations

The information about available data ranges and limitations in their use needs to be taken into consideration for a correct interpretation of the factual reporting contained in this document. Explanations about available data ranges and limitations in their use can be found in Annex B.

4 Results at the EU border

This document contains statistical information about the detentions made under customs procedures and includes data on the description, quantities and value of the goods, their provenance, the means of transport used and the type of IPRs that was infringed.

Each detention is referred to as a 'case'; a case may involve one or more articles and each case may contain articles of different product categories, belonging to different rights holders. In COPIS, Member States register each case per category of goods and per rights holder. For each rights holder, a new detention procedure is initiated, which explains why there are more procedures than cases. Certain statistics, such as on results, product category or a given IPR, are provided per procedure instead of per case, as the figure can differ per procedure. Other statistics remain per infringement case, for example, customs procedures or transport mode, as the figure is only relevant per case.

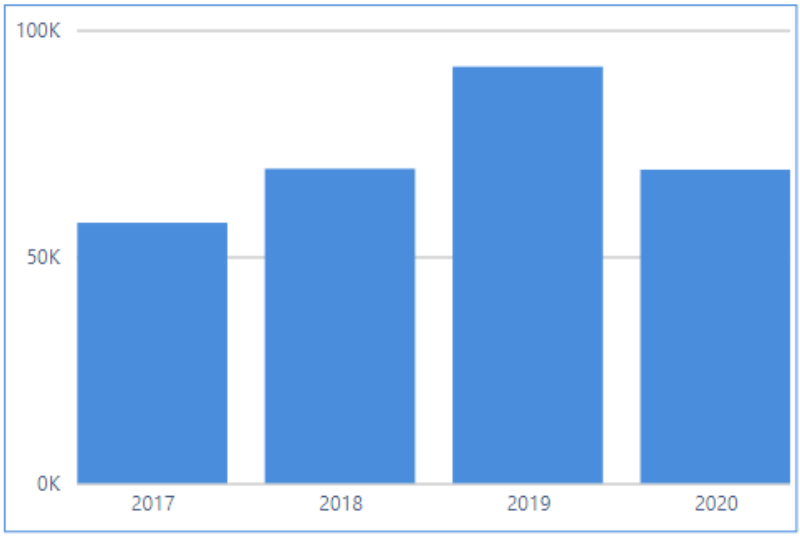
The statistics are established based on the data transmitted by Member State administrations, in accordance with Regulation (EU) No 608/2013 laying down the provisions concerning customs enforcement of IPRs, including provisions for Member States to submit relevant information to the European Commission.

4.1. Number of cases, procedures, articles and estimated value

The total number of cases ([16]) decreased by almost 25 % in 2020, for almost all transportation modes and reached the same level than in 2018 (see Figure 4-12 in section 4.6 for more details). Only

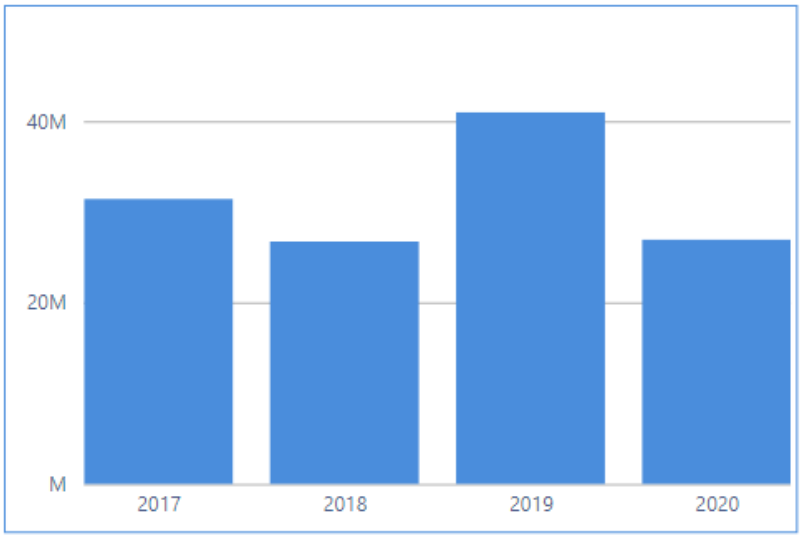
([16]) Each case represents an interception by customs.

interceptions in road and rail transport have shown a remarkable increase, although still within the low level of cases that they historically represent.



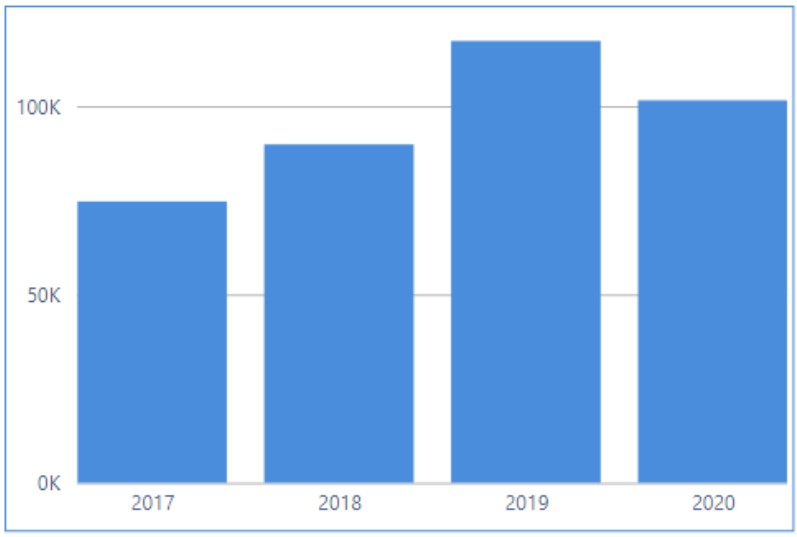
Year	Number of cases
2017	57 433
2018	69 354
2019	91 868
2020	69 147

Figure 4-1: Number of cases registered 2020



Year	Number of articles
2017	31 410 703
2018	26 720 827
2019	40 968 254
2020	26 922 173

Figure 4-2: Number of articles detained 2020



Year	Number of procedures
2017	74 706
2018	89 876
2019	117 343
2020	101 570

Figure 4-3: Number of procedures initiated 2020

The number of procedures decreased by 13 % between 2019 and 2020 but, unlike the number of cases and articles, remained much higher than in 2018.

The top 10 Member States in terms of number of cases accounted for 90 % of the overall number of cases and for 87 % of the overall number of articles detained. Five Member States (Belgium, Italy, Germany, the Netherlands and Spain) appear in the top 10 both in terms of number of cases and number of fake goods detained ([17]) (see section C.1 in Annex C for more details).

([17]) Hereinafter the expression 'fake goods/items detained' will be used for those articles clearly identified as non-original that infringe an IPR. Also the expression 'items suspected of IPR infringement' may be used since some items could finally be considered as not released because of the right holder is not taking any action or because it is finally proved that is original or even being fake does infringe any IPR in the destination country.

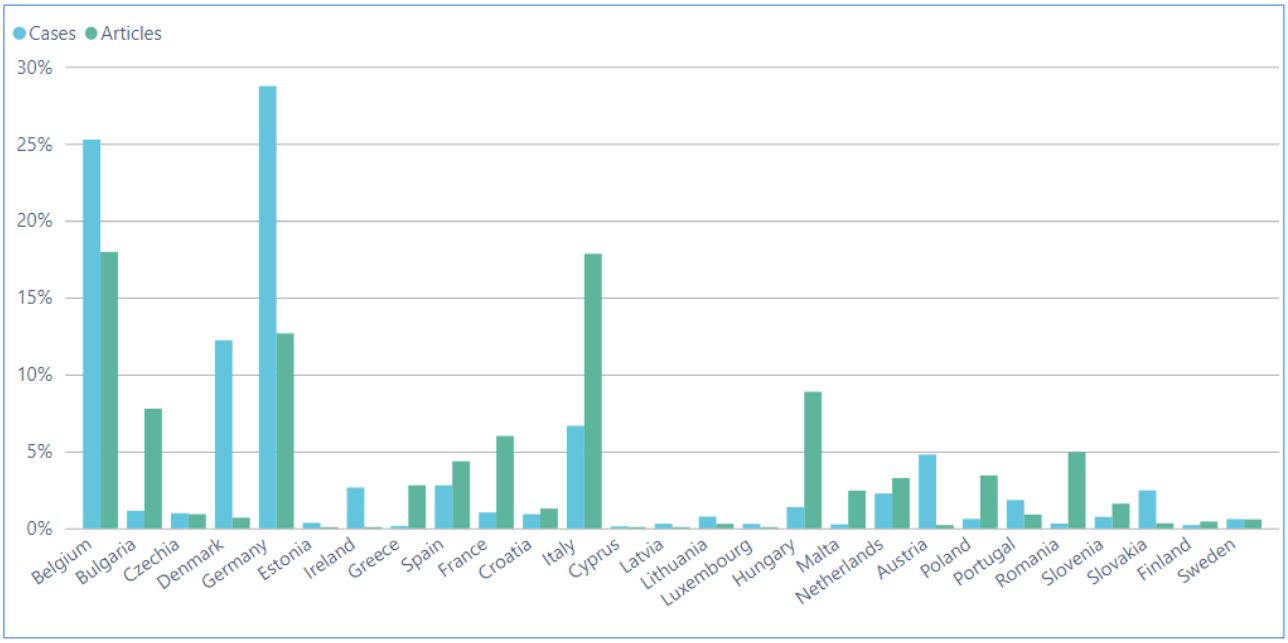


Figure 4-4: Overview of Member States in terms of percentage of cases and articles 2020

4.2. Data per results of detention

In 2020, the detentions of goods by customs resulted in the following:

- Goods were destroyed under the standard procedure pursuant to Article 23 of Regulation (EU) No 608/2013, after confirmation from the rights holder and agreement from the holder of the goods.
- Goods were destroyed under the Article 26 procedure for small consignments, pursuant to Regulation (EU) No 608/2013, after agreement from the holder of the goods.
- Goods were released because the rights holder did not react to the notification issued by customs.
- A court case was initiated by a rights holder to determine the infringement.
- Goods were released as they appeared to be genuine goods.
- Release of 'non-genuine' goods as a result of lack of infringement ([18]).
- Following detention, goods were subsequently dealt with pursuant to national criminal procedures.

([18]) In certain cases, goods are suspected of being counterfeit but are released because they are detained in a situation that does not lead to an infringement. This would be the case for instance when a private person sends the goods to another private person as a gift. In such cases, providing the private person can proof that the goods are indeed gifts, no commercial transaction would be involved (which is needed to establish the infringement).

- An out-of-court settlement was reached between the rights holder and the holder of the goods, after which the goods were released.

Regulation (EU) No 608/2013 provides the applicant of the application for action with the possibility of requesting the use of the procedure set out Article 26, namely the destruction of goods transported in a small consignment without the need to notify the rights holder of every shipment. This procedure leads, on the one hand, to a significant reduction in the administrative burden for customs authorities and rights holders and, on the other hand, to a more effective treatment of counterfeit or pirated goods transported by post or express courier. This procedure is limited to a maximum of three units, or a gross weight of less than 2 kilograms per consignment. In around a third of the applications for action, the applicant had requested that customs authorities apply the Article 26 procedure with regard to the destruction of small consignments.

Goods that appeared to be non-infringing genuine goods or goods in relation to which the rights holder did not take any action were released from detention based on Regulation (EU) No 608/2013. This, however, does not exclude the possibility that these goods were also detained based on other legislation relating to prohibitions or restrictions.

In more than 90 % of the detentions, either the goods were destroyed under the standard procedure or the procedure for small consignments, or a court case was initiated to determine the infringement, or they were handled as part of criminal proceedings, or an out-of-court settlement was reached. In 6.4 % of the procedures, the goods were released because no action was taken by the rights holder after receiving notification from the customs authorities; 1 % of the 6.4 % concerned *ex officio* procedures. In 3.4 % of the detentions, customs authorities released the goods because they appeared to be non-infringing genuine goods or because there was a non-infringing situation.

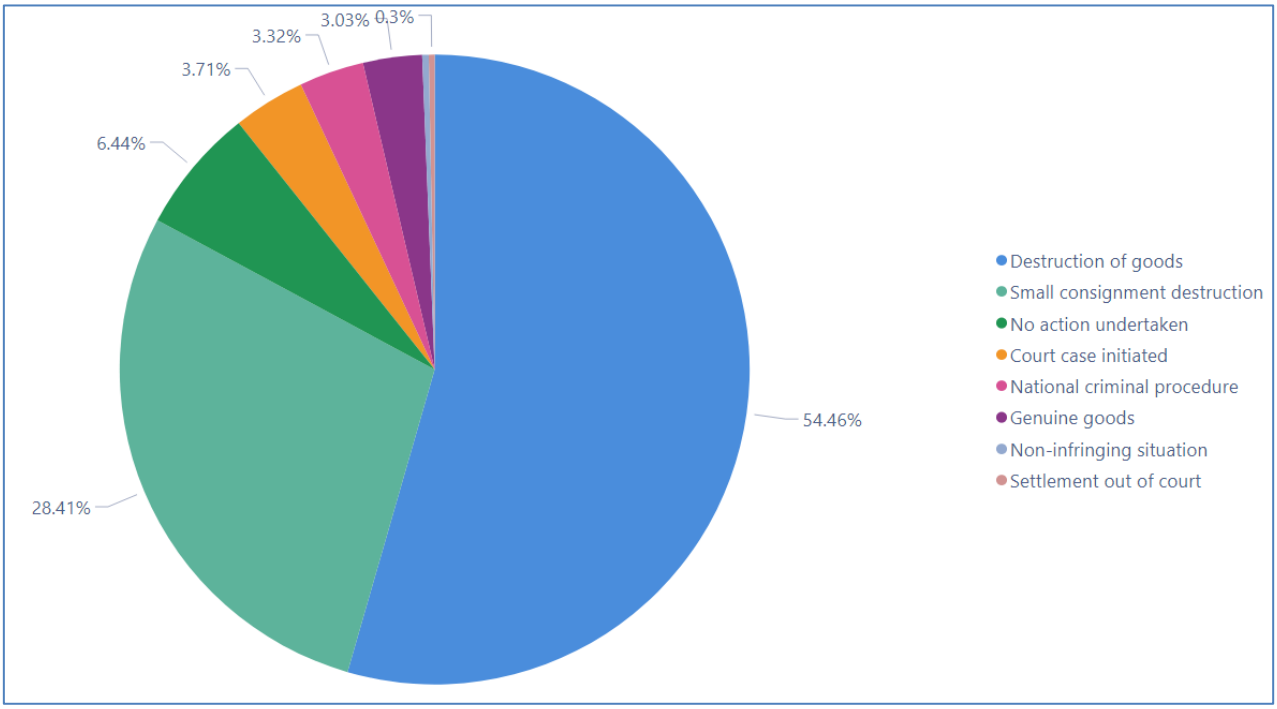


Figure 4-5: Breakdown of result by procedure 2020

In absolute numbers, this gives the following results:

Result of the procedure	Number of procedures	Number of articles
Destruction of goods	**55 318**	**12 718 775**
Small consignment destruction	**28 852**	**153 740**
No action undertaken		
Application	5 529	1 434 728
Ex officio	1 012	138 830
Court case initiated	**3 765**	**2 012 405**
National criminal procedure	**3 375**	**5 269 575**
Genuine goods	**3 075**	**4 984 928**
Non-infringing situation	**338**	**134 010**
Settlement out of court	**306**	**75 182**

Table 4-1: Number of procedures and number of articles detained in 2020 by result of the procedure

4.3. Data per product subcategory

In terms of numbers of fake goods detained, the top 3 categories are Packaging materials, Foodstuffs and Clothing. The new number one category is Packaging materials (more specifically, for perfumes and juices), while Foodstuffs (more specifically, cookies, pasta, chips and sweets) and Clothing moved to second and third places in 2020.

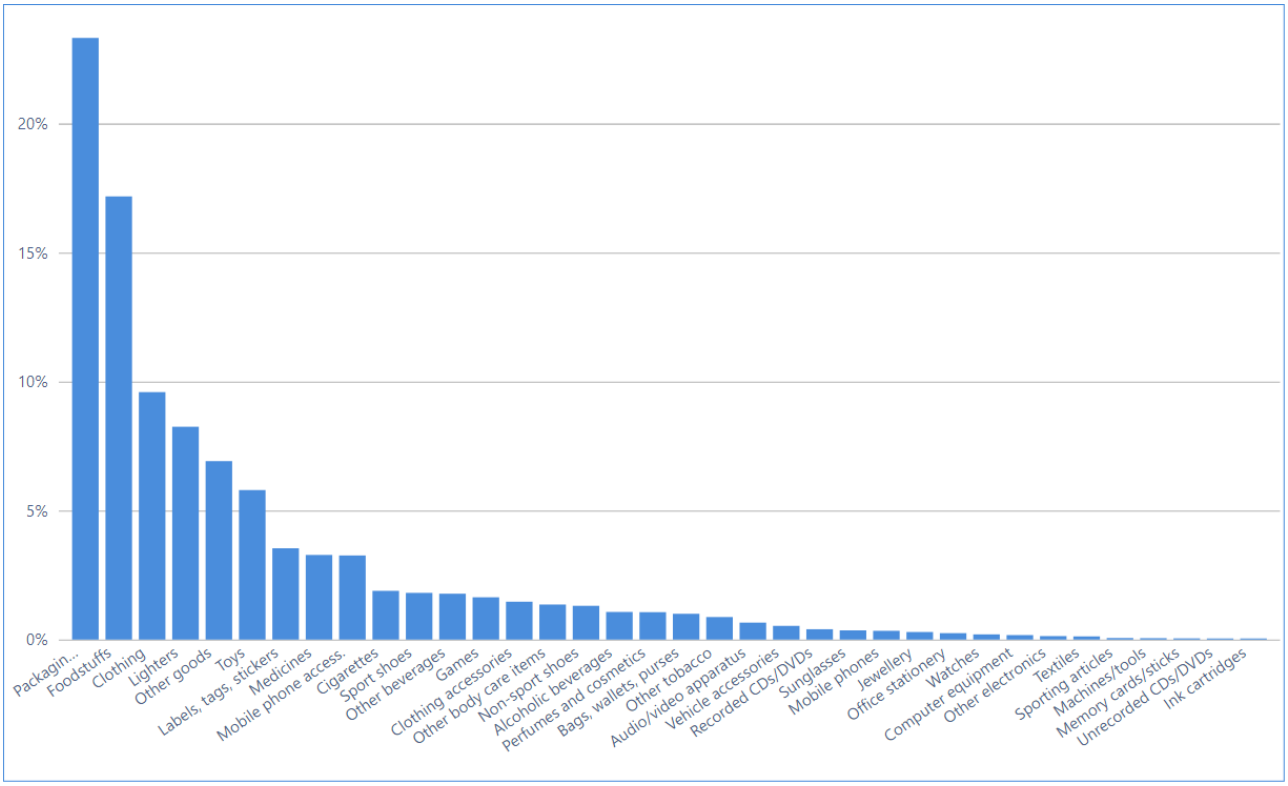


Figure 4-6: Top categories by number of articles 2020

In terms of number of procedures, two of the top 3 categories have remained the same for one more year (and for the last five in a row), namely Clothing and Sports shoes. However, Bags, wallets, purses is new in third place. The top categories are typically goods that are often ordered online and shipped by post or courier (see section C.11 in Annex C).

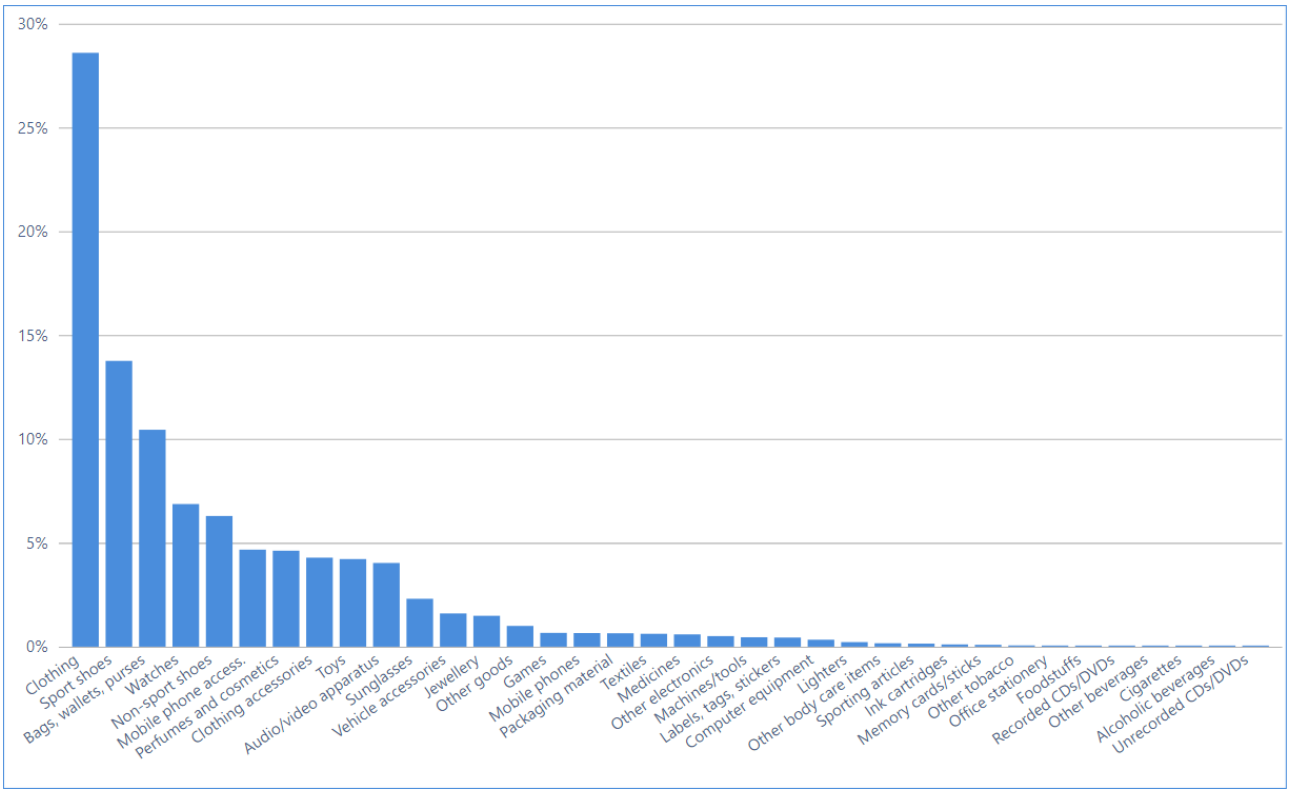


Figure 4-7: Top categories by number of procedures 2020

Following the approved harmonised rules for reporting, the standard value for reporting by Member States is the domestic retail value (DRV).

Based on the DRV, the top 3 categories of products in terms of value are exactly the same three as for the last two years: Watches, Clothing and Bags, wallets, purses (see section C.2 in Annex C for an overview of all categories).

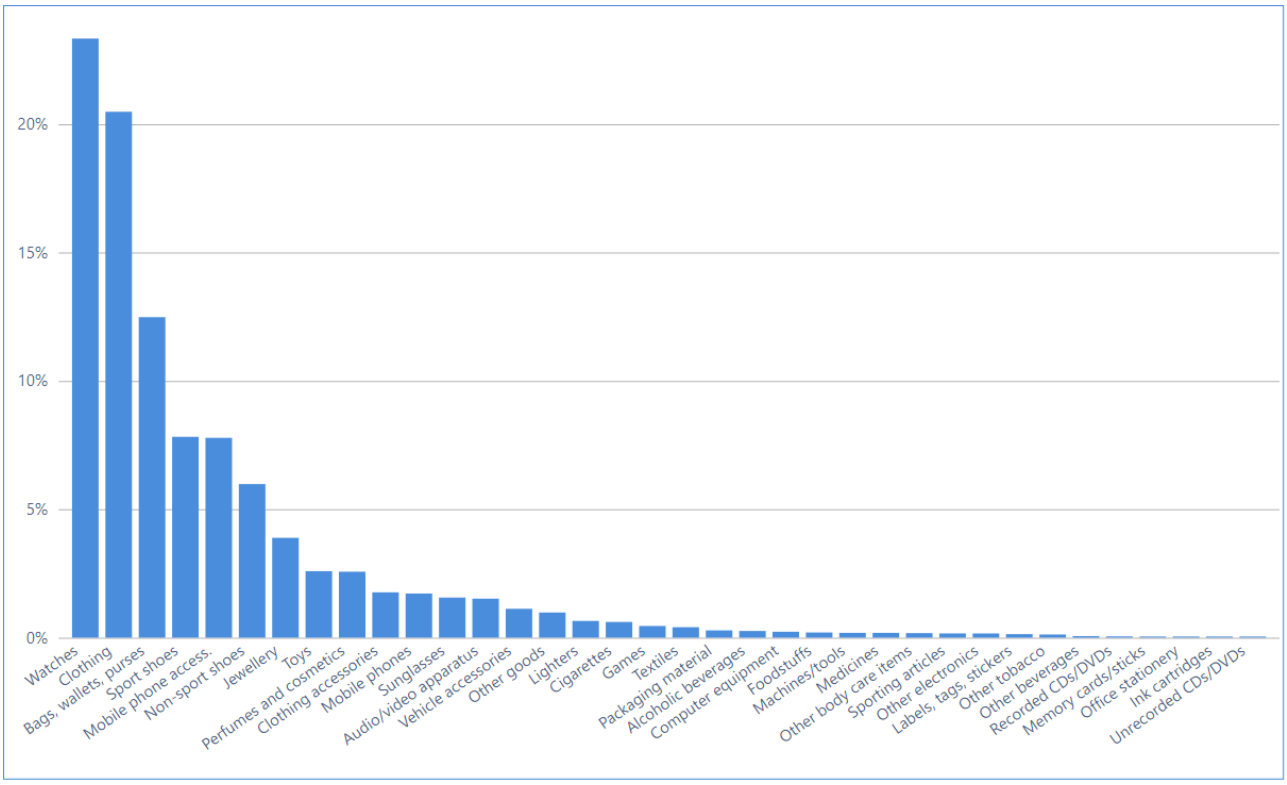


Figure 4-8: Top categories by value 2020

4.4. Data per provenance

China is the main country of provenance (50 %) from where suspected IPR-infringing goods arrived when they were detained, and where those goods were subsequently not released. As in previous years, Turkey and Hong Kong, China remain in the top 7. Greece appears this year as the second country of provenance due to large detentions of Packaging materials, and Hong Kong, China appears as the third country of provenance also because of Packaging materials.

With regard to countries of provenance in relation to value, China is at the top of the list, followed by Hong Kong, China and Turkey, as in previous years. Singapore (for Mobile phone accessories), Saudi Arabia and United Arab Emirates (for Watches) and Russia (for Vehicle accessories) complete the top 7.

A further breakdown according to each category of products is given in section C.5 of Annex C.

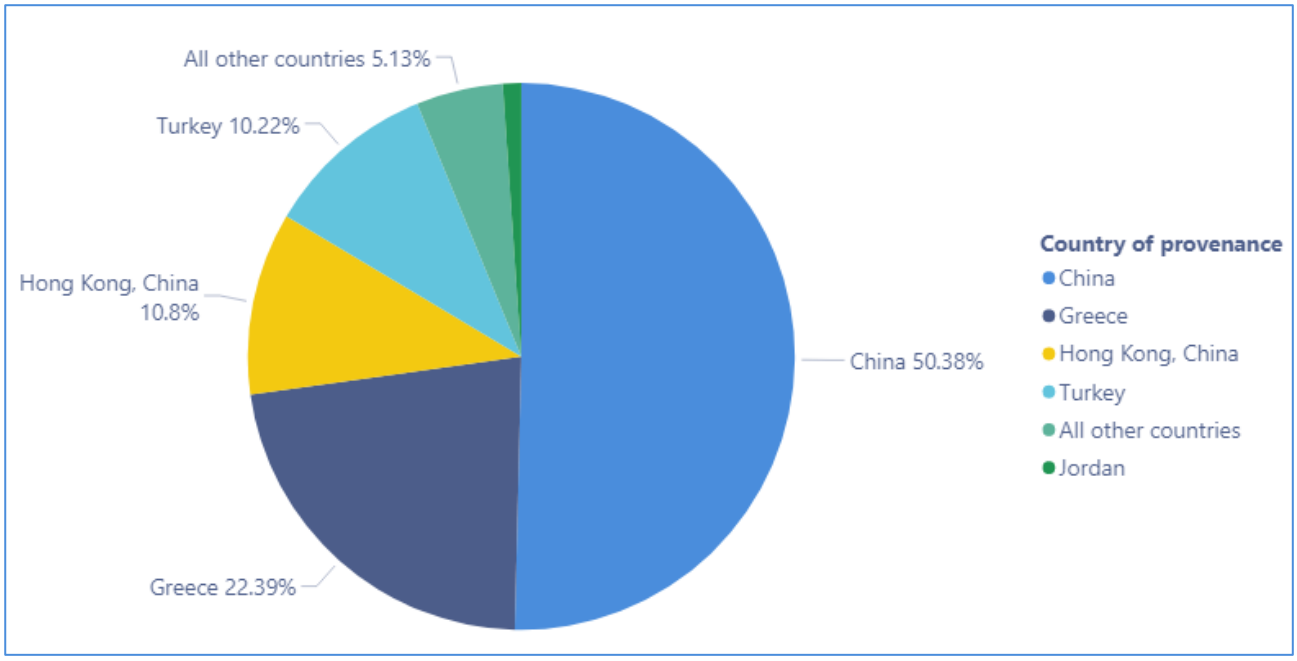


Figure 4-9: Country of provenance by number of articles 2020

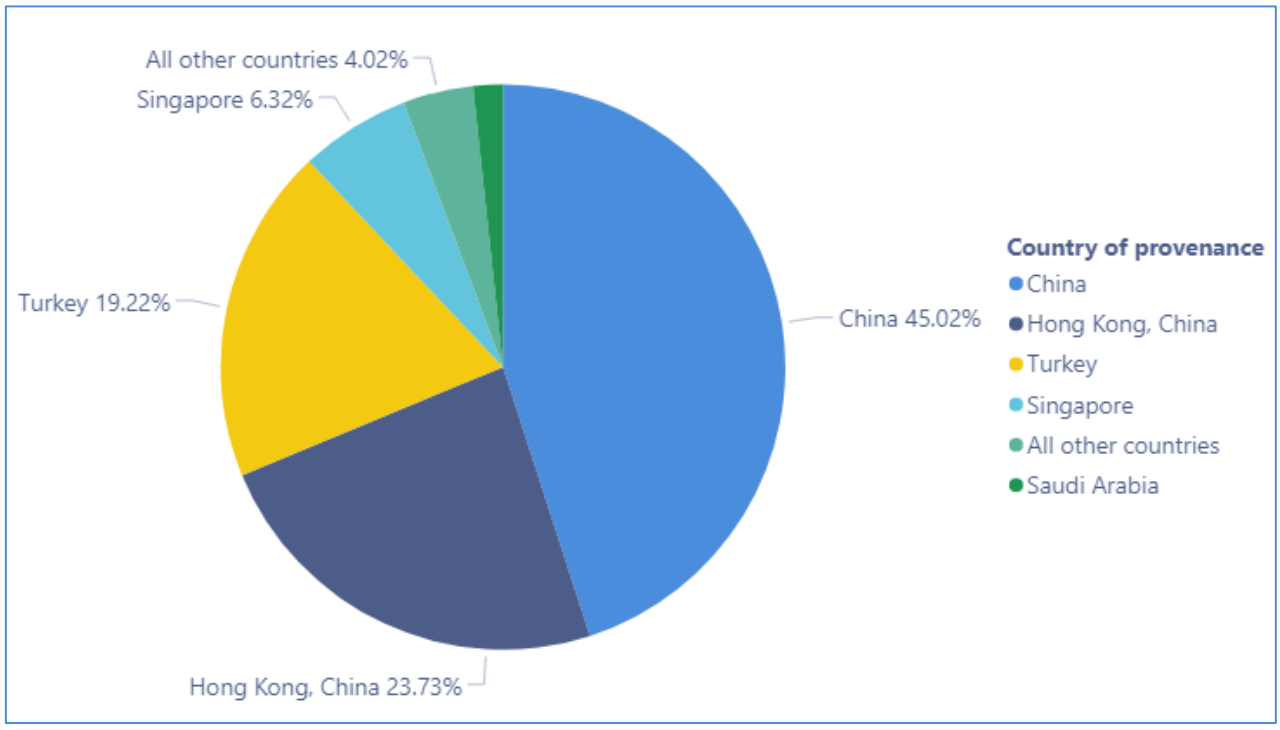


Figure 4-10: Country of provenance by value 2020

4.5. Data per freight/passenger traffic

Cases involving passenger traffic relate to goods brought into the EU by passengers in amounts considered to be of a commercial nature, rather than for private use. The percentage ratio between the numbers of cases of goods suspected of infringing an IPR found in freight and in passenger traffic remains at approximately 98 % and 2 %, respectively, as in 2019.

In section C.8 of Annex C, an overview is provided of the main categories of products carried by passengers. Furthermore, overviews of the countries of provenance of the passengers are provided in relation to articles and procedures.

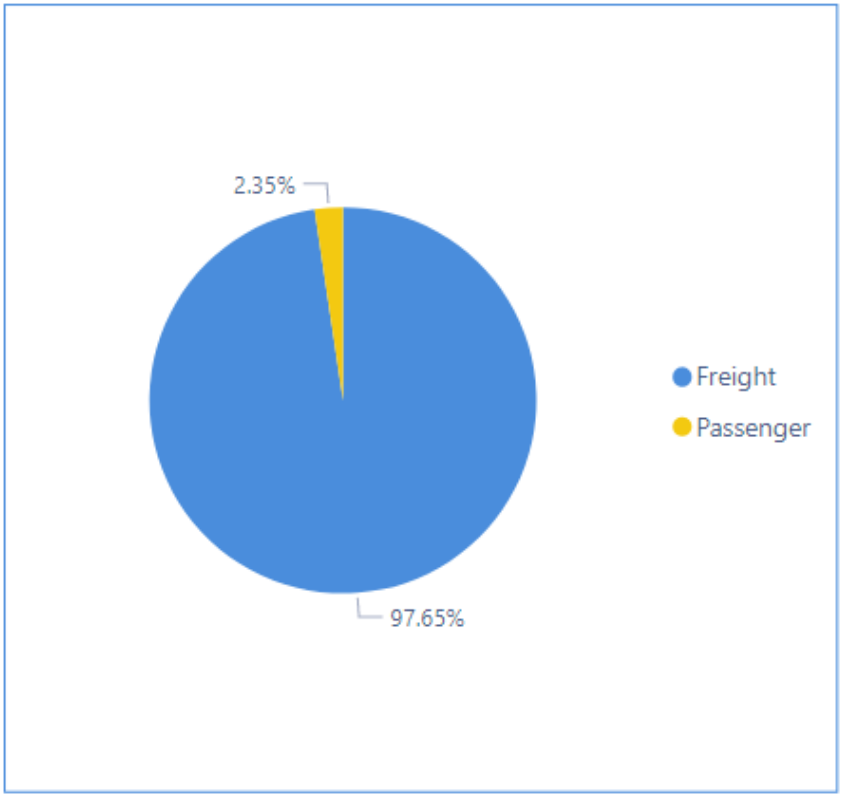


Figure 4-11: Breakdown of cases by type of traffic (freight/passenger) 2020

4.6. Data per transport

Over the years, postal, express and air transport have remained the most significant means of transport in terms of the number of cases registered, whereas sea transport by container is the main means of transport for the number of articles. For cases, a strong decrease is seen as far as express, post and air transport are concerned. For articles, a strong decrease can be seen for sea transport,

whereas for road, express courier and rail there has been a slight increase. A further breakdown can be found in section C.9 and Figure C-10 of Annex C.

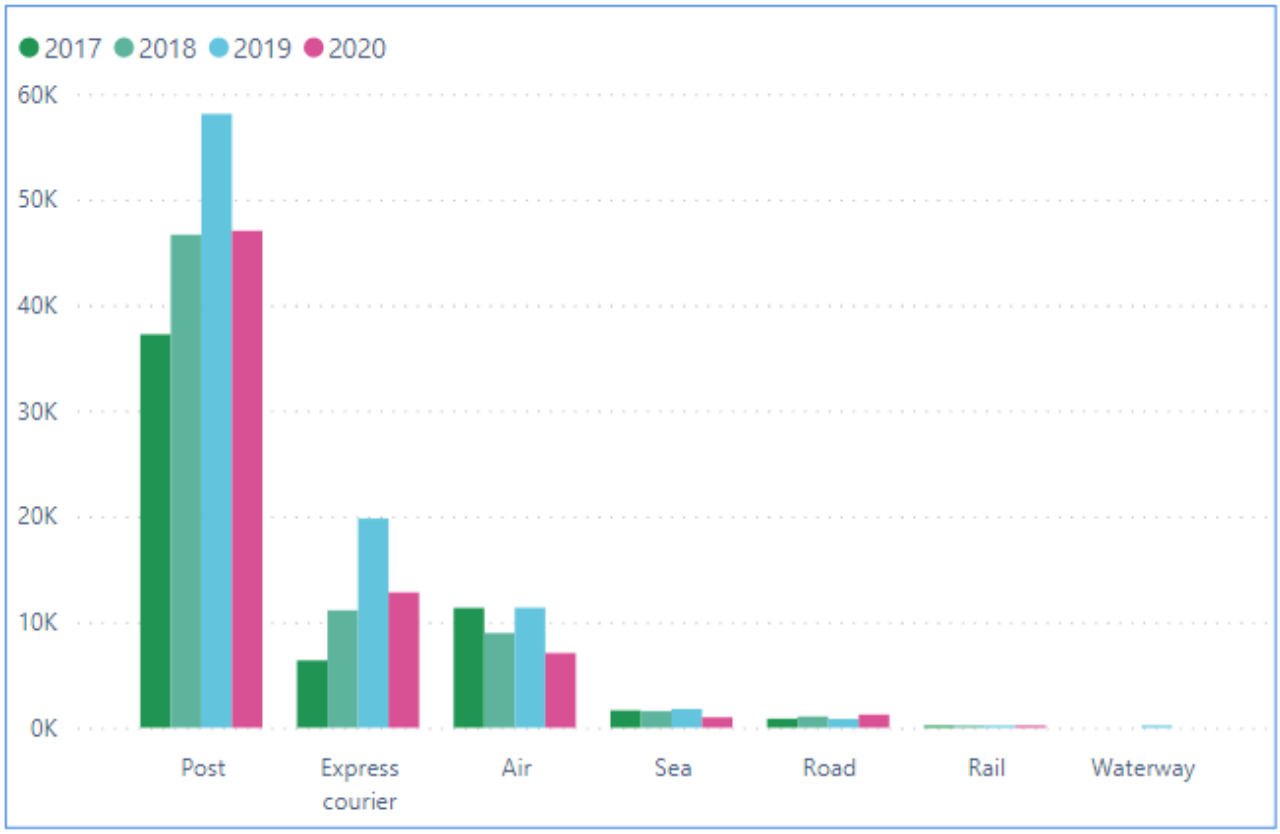


Figure 4-12: Registered cases by means of transport 2020

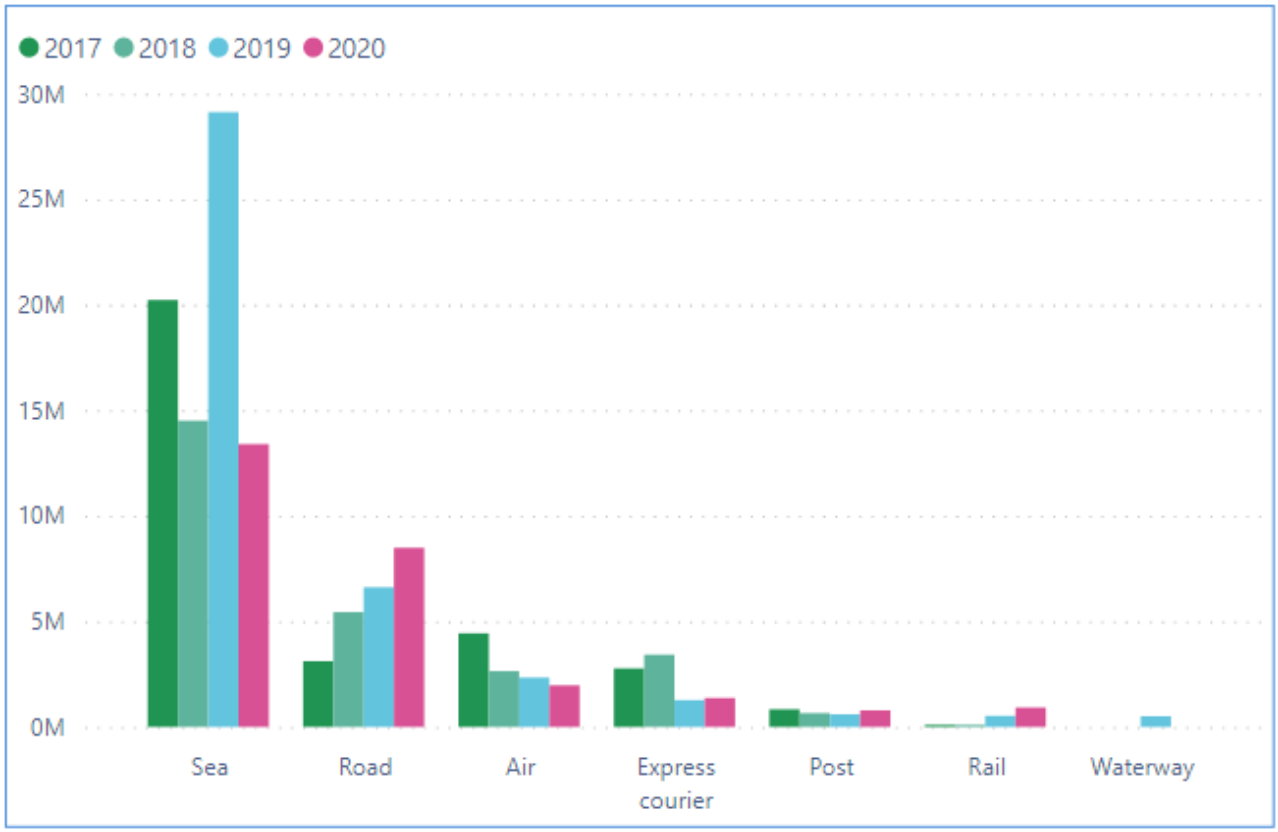


Figure 4-13: Detained articles by means of transport 2020

4.7. Data per intellectual property right

As in previous years, in 2020 the majority (72 % in number and 98 % in value) of articles detained by customs and where at least one infringed IPR was identified were suspected of infringing a European Union trade mark (EUTM), international trade mark (ITM) or national trade mark (NTM); all categories of goods were concerned. These percentages are similar to the ones in 2019 (79 % in number and 95 % in value).

Design infringements are clearly increasing with an almost 9% increase in number of items compared to 2019. The registered community (CDR), unregistered community (CDU) and international (ICD) design and model rights cover a wide variety of products. In 2020, products detained suspected of infringing these types of IPR mainly included Packaging materials and Toys, followed by Other goods, Other body care items and Other beverages.

With regard to copyright infringements (NCPR), the products seen with the most frequency were Toys and Clothing. Games (board games and games for video consoles) is often involved because of the packaging materials or related TV series and film characters containing copyright-protected images or names.

Where patent infringements (UPT and NPT) were suspected, the main categories of products involved were Mobile phone accessories and Packaging materials.

In relation to plant variety rights (CPVR), the products involved were fruit ([19]).

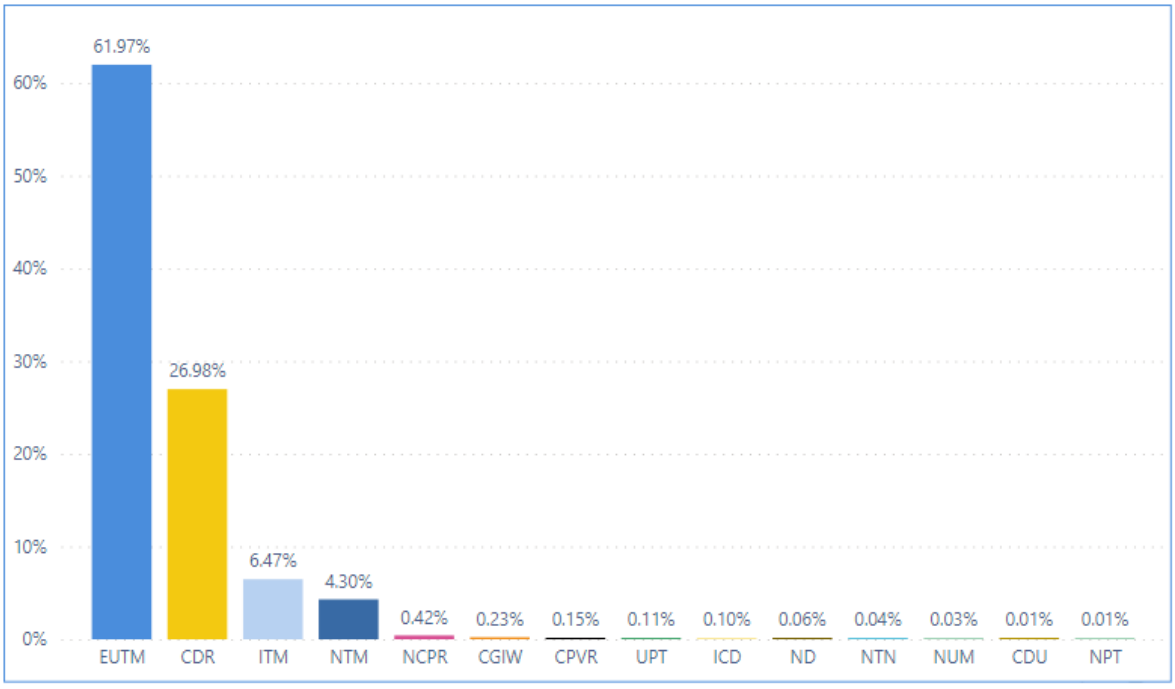


Figure 4-14: IPRs in percentage of articles 2020

([19]) The complete information of IPR abbreviation codes can be found in the Table C-7 of section C.12 in Annex C.

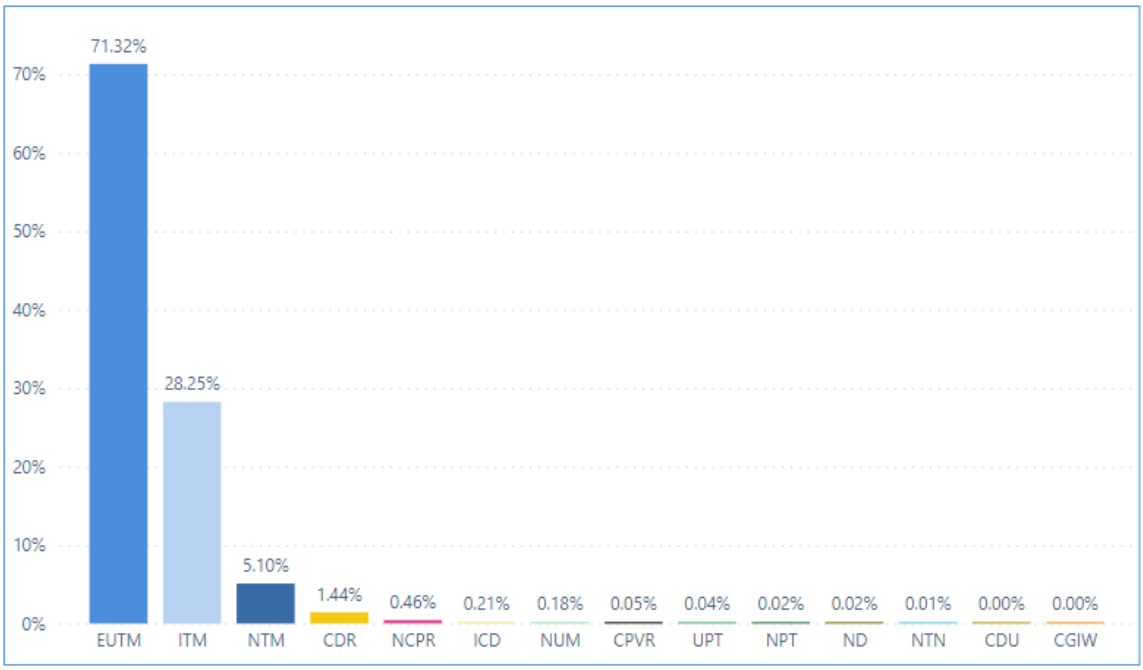


Figure 4-15: IPRs in percentage of value 2020

4.8. Data per customs procedure

In nearly 90 % of cases, customs action began while the goods concerned were part of an import procedure. In over 8 % of cases, goods were discovered while in transit, with a destination in the EU, and in 1 % of cases, goods were part of a (re-)export procedure, with a destination outside of the EU. In 0.4 % of cases, goods were in transit/transhipment, with a destination in a non-EU country.

For the number of articles, transit and transhipment have higher percentages because detentions in those procedures were (and are) often in container traffic (with bigger shipments), while the largest numbers of cases found as part of import procedures are related to postal traffic (see section C.9 in Annex C), where the number of articles is, of course, much smaller.

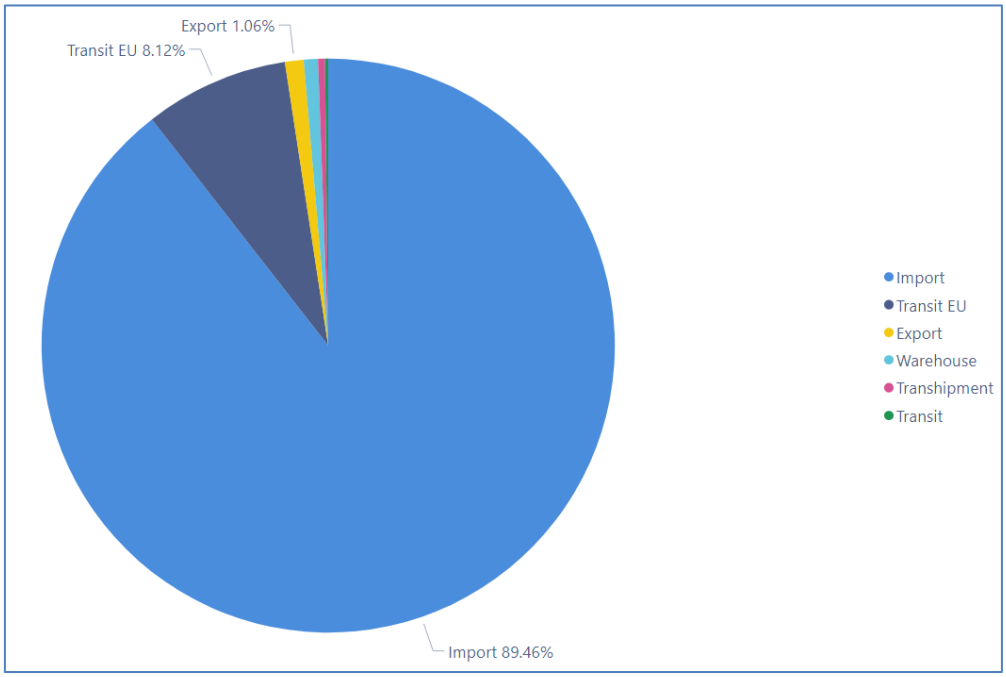


Figure 4-16: Breakdown of cases by customs procedure 2020

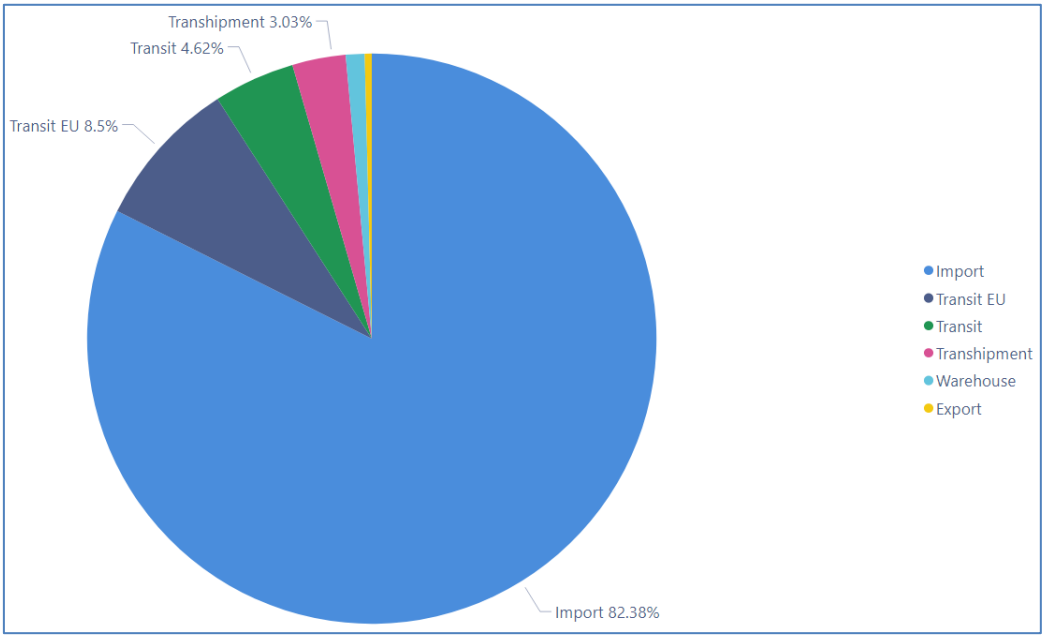


Figure 4-17: Breakdown of articles by customs procedure 2020

5 Results in the EU internal market

Despite the period of general first lockdown (from March to July 2020) and the need to pay attention to other priorities due to the effects of the pandemic, the detentions figures in the internal market slightly increased when compared to 2019.

The year 2020 has, in particular, been biased by the constraints on data availability. No new Member State or new enforcement authority joined the IPEP community, and data sets are missing from some enforcement authorities that usually report. Furthermore, no enforcement authority from the United Kingdom has reported data sets to IPEP.

At this point, the main constraints and limitations on the availability of detentions data reported by the EU internal market's enforcement authorities explained in Annex B and, in particular, in its section B.2, should be kept in mind.

5.1. Number of articles and estimated value

As explained above, the IP Enforcement Portal gives an overview of the detentions of fake products reported to the EUIPO by the internal market enforcement authorities of the EU Member States (see Table A-1 in Annex A for the composition of the IPEP community). According to the information reported and included in the database, the number of fake items detained in the EU internal market in 2020 amounted to some 46 million items, which means an increase of 3.6 % (1.6 million items) compared to 2019 (see Figure 5-1 below).

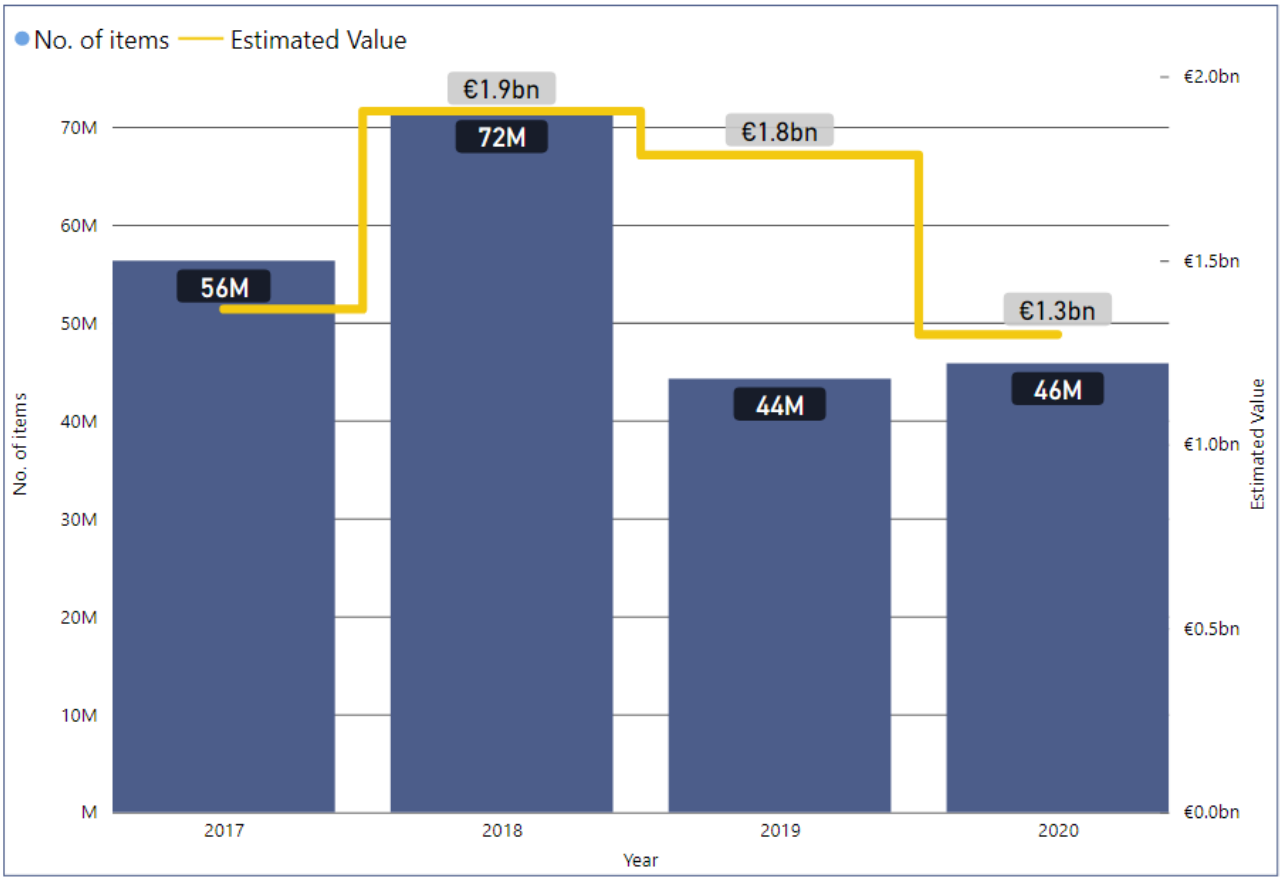


Figure 5-1: Reported quantity and estimated value of detained items in the EU internal market

In parallel, the estimated value of these detained fake items amounted to almost EUR 1.3 billion, which means a decrease of 27.3 % when compared with 2019 (see also Figure 5-1 above).

As can be seen, the increase in the number of fake goods detained in the EU internal market compared to the previous year (3.6 %) was accompanied by a significant decrease in the estimated value of those fake goods (around 27 %).

Generally speaking, three parameters may determine potential changes in the estimated value of items detained each year compared to the previous year:

- the change in the number of items detained each year,
- the increase or decrease in the estimated unitary value, in particular of the most expensive products subcategories, and
- the shift in the composition of the basket of products detained in one year compared to that of the previous year (from more expensive products to cheaper ones or vice versa).

Indeed, a decrease of more than 41 % in the estimated unitary values caused the reduction of the estimated value of fake goods detained in the EU internal market in 2020, despite the increase in the number of items detained and a shift towards more expensive products.

As will be seen in the next section, the overall figures for the two measuring dimensions, number of items and estimated value, were dominated by the weight of the top 5 reporting Member States.

5.2. Data per Member State

In the breakdown by Member State the figures reflect that, as regards the number of fake goods detained, only 6 Member States (namely: Italy, Hungary, Greece, Bulgaria, France and Spain) accounted for 92.5 % of the total reported items detained in 2020 in the EU internal market. It is important to highlight that, in 2020, not all the detention activities in Italy were reported ([20]).

A comparison with the figures from 2019 shows the abovementioned Member States as more or less the ones leading the top ranking, although not in the same positions. Between 2019 and 2020 the two main changes in the top 6 ranking were the moves by Hungary and Greece (with significant jumps upwards) and Spain (downwards), even though the number of Spain's enforcement authorities reporting in the tool remained the same.

([20]) As per information received from the Ufficio Italiano Brevetti e Marchi. Divisione III – Politiche e progetti per la lotta alla contraffazione, the Polizia Municipale, the Carabinieri and the Polizia di Stato could not report their figures on time to be included in this document.

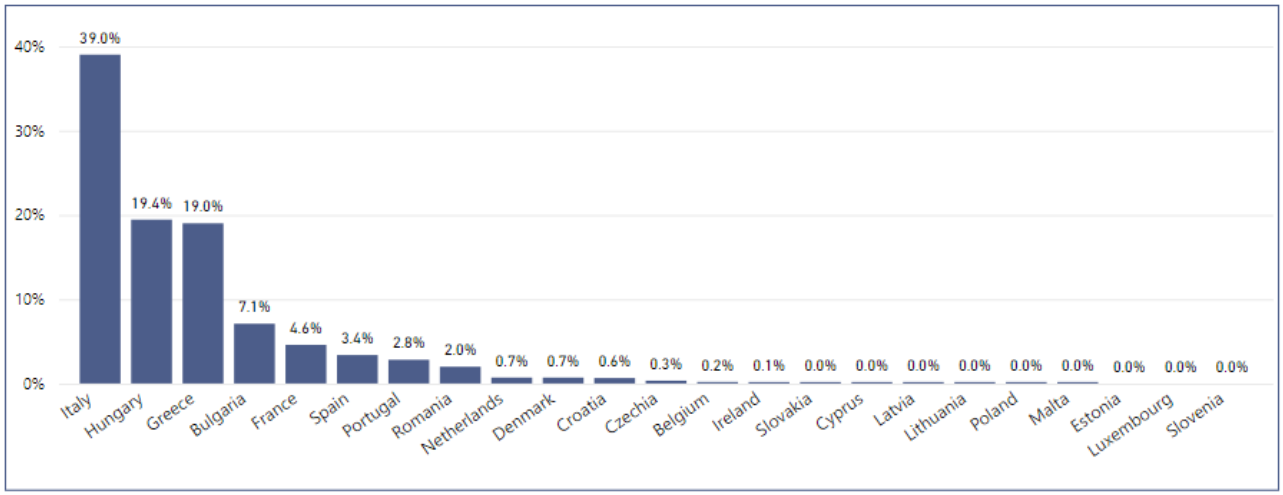


Figure 5-2: Share of reported detentions by Member State (number of items) in 2020

Despite of the fact that some of its authorities have not been able to report their detentions, Italy has continued to lead the list for one more year.

A very similar scenario is shown by the figures of the reported estimated value of the goods detained (see Figure 5-3 below). These show that a small number of Member States (Greece, Hungary, Italy, France, Croatia and Spain) represented 96 % of the total value of the detentions carried out in 2020.

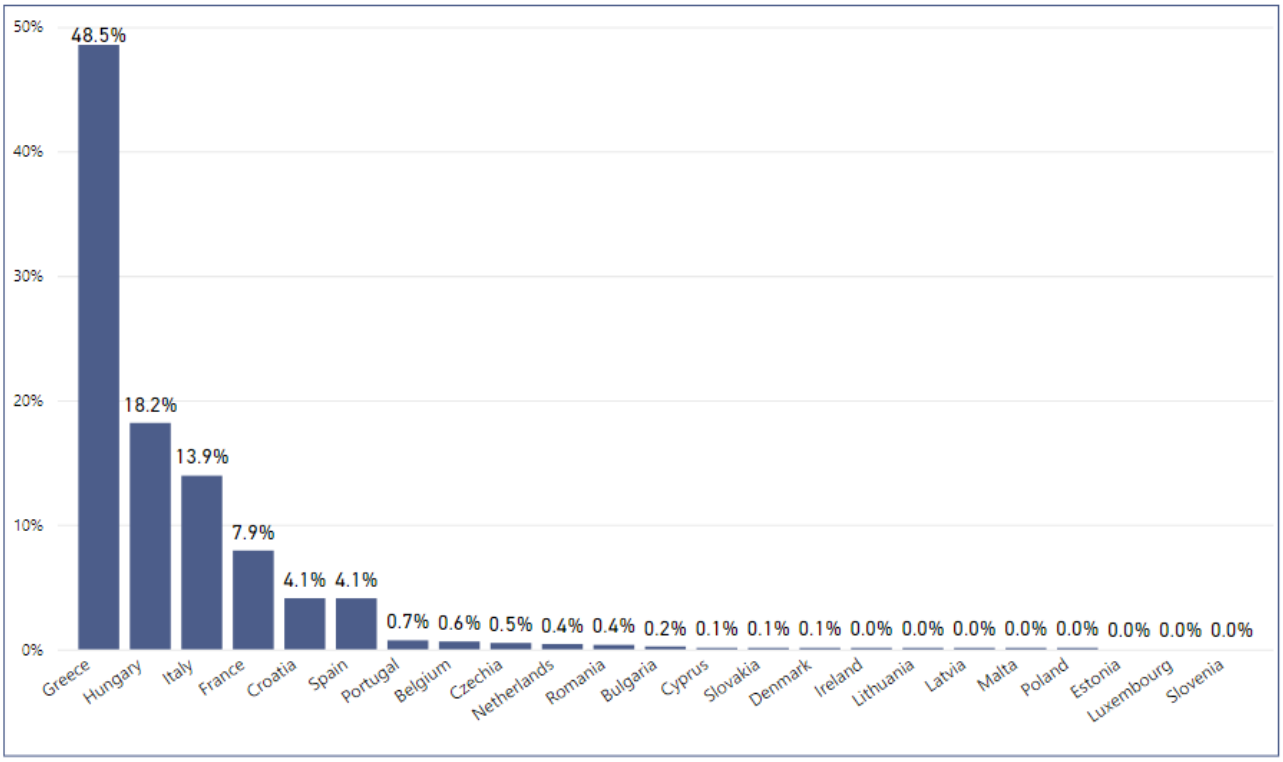


Figure 5-3: Share of reported detentions by Member State (estimated value of items) in 2020

When comparing the top 6 Member States by, respectively, the number of 'fake items detained' (Figure 5-2 above) and their estimated value (Figure 5-3 above), there are two Member States (Croatia and Bulgaria) appearing in one but not the other list. However, the other Member States (Greece, Hungary, Italy, France and Spain) in the top 6 appear in both rankings (see Table D-1 in section D.1 of Annex D for more details).

5.3. Data per product subcategory

From the perspective of the subcategories of products detained in the EU internal market and in terms of the number of fake goods detained, the products most detained in 2020 belonged to the subcategories Other goods, Clothing accessories, Recorded CDs/DVDs, Packaging materials and Labels, tags, stickers (see Figure 5-4 below).

From a comparison with the 2019 figures, besides some moves up or down in the top 13 subcategories, three new ones appear on the list: Recorded CDs/DVDs, Packaging materials and Machines/tools, replacing Foodstuffs, Alcoholic beverages and Textiles.

Looking more closely at the subcategories most detained, the climb to the top 5 of Packaging materials and Labels, tags, stickers, which historically show a consistent share of the detentions, is (negatively) relevant because of their potential multiplier effect for the production of more fake products (by wrapping unbranded products within fake packaging materials or by labelling them with fake labels, tags or stickers) and, consequently, their capacity to cause additional harm. A very relevant change is the gigantic climb of the subcategory of Recorded CDs/DVDs from the 13th position in 2019 to 3rd in 2020.

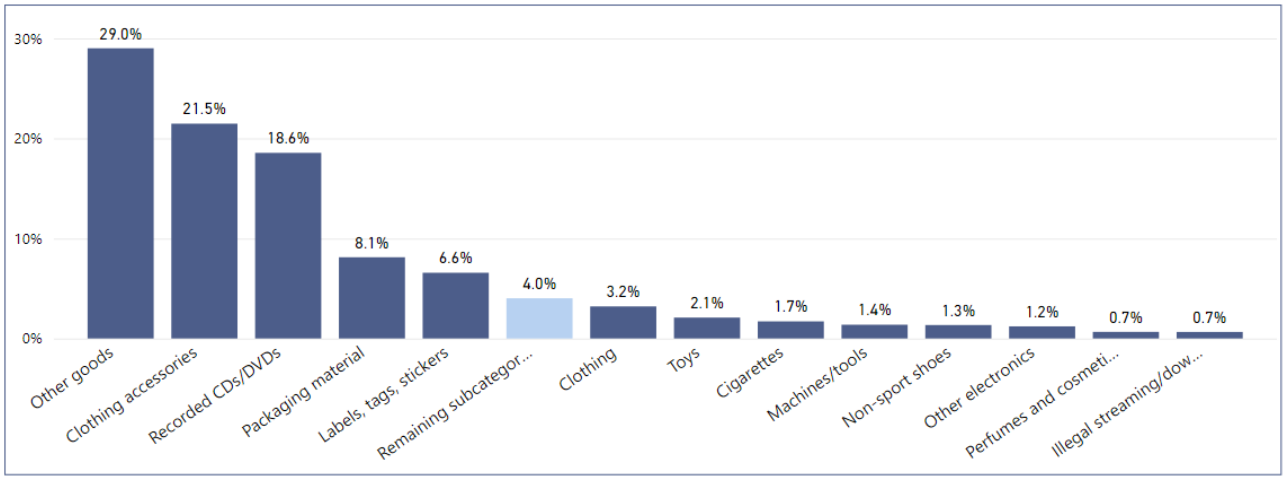


Figure 5-4: Share of reported detentions by subcategory of goods (number of items) in 2020

Regarding the share of estimated value of the fake goods detained per subcategory (see Figure 5-5 below), the scenario did not change greatly in 2020. The data show that, from the top 13 subcategories in 2019, only 3 (Other electronics, Toys and Alcoholic beverages) left the list, being replaced by Machines/tools, Mobile phones and Labels, tags, stickers. While 4 of the top 5 subcategories were related to luxury products in 2019, only 3 were in 2020 (see also Table D-2 in section D.2, Figure D-1 in section D.3 and Figure D-2 in section D.4 of Annex D for more details). Clothing accessories stayed in the first position of the described subcategories.

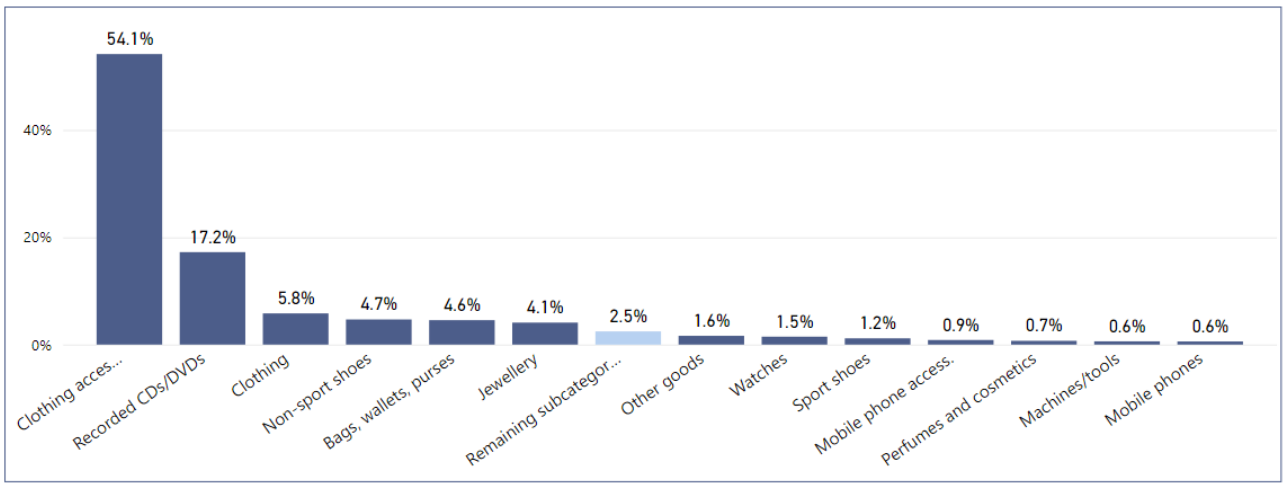


Figure 5-5: Share of reported detentions by subcategory of goods (estimated value of items) in 2020

Finally, worthy of mention is the recurrent presence of the product subcategory of Other goods (29 % of all fake goods detained in the EU internal market in 2020), under which the enforcement authorities gathered a number of products not assignable to the subcategories already defined such as fireworks, pellets, blades and filters (see Table D-1 of Annex D and Table E-2 of Annex E). In terms of the quantity of items detained in the EU internal market, the share of Other goods has substantially increased compared to 2019, reaching again the average of previous years.

5.4. Data per intellectual property right

To analyse the data on detentions in the EU internal market from the perspective of the IPRs allegedly infringed ([21]), it is important to highlight that the total number of infringed IPRs in those detentions reported in the IP Enforcement Portal exceeded the number of detained items for the EU internal market. The reason for this is that the IP Enforcement Portal allows multiple assignments of IPRs to the detention of an item.

The distribution of the infringed IPRs at the moment of detention in terms of the number of items shows that trade marks were by far the dominant right in 2020. It should also be noted that only 1 % from all detentions did not provided details about the type of infringed IPR. As can be seen in the Figure 5-6 below, a trade mark was infringed in over 76 % of the fake goods detained in the EU

([21]) Hereinafter referred to as 'infringed IPRs'.

internal market, a trade mark was infringed, followed by designs (over 22 %) and copyright (over 22 %).

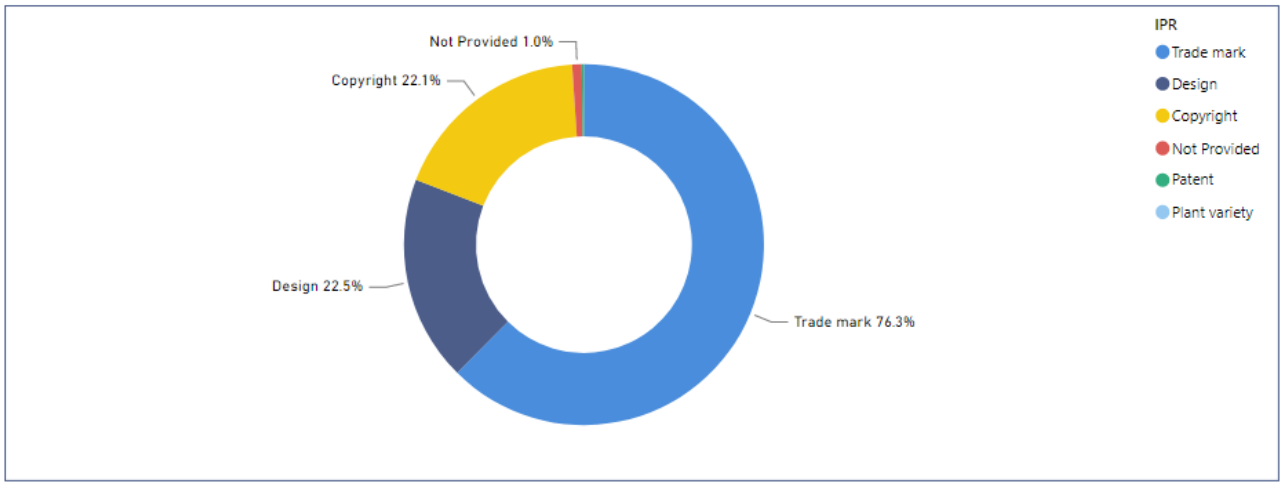


Figure 5-6: Share of reported detentions by type of IPR (number of items) in 2020

A comparison with the 2019 data shows that the weight of the trade mark, as an infringed IPR, has significantly decreased (around 20 percentage points) in detentions in the EU internal market during 2020. Contrarily, the weight of designs has doubled its share and copyright has increased 20 percent points. There was a step back in the share of patents as infringed IPRs declared in 2020 ([22]).

In addition of the overwhelming preponderance of the trade mark across subcategories, it is also remarkable that designs are mainly infringed by goods belonging to the subcategories Clothing accessories (87 % of the 'fake items detained' in this subcategory) and Audio/video apparatus (69 %). Copyright appears to be infringed mostly in Recorded CDs/DVDs (95 %) and Home furniture (88 %), whereas patents are most declared as infringed IPRs in the subcategories Medicines (56 %), Audio/video apparatus (49 %) and Mobile phone accessories (21 %). However, in all these subcategories, with the exception of Recorded CDs/DVDs and Home furniture, trade marks are still the preponderant IPR infringed.

Similar conclusions can be reached after analysing the distribution of infringed IPR by estimated value (see Figure 5-7 below).

([22]) Again, percentages total more than 100 % because, both in COPIS and on the IP Enforcement Platform, there can be several infringed IPRs in the same record.

In particular, it can be seen that, in 2020, the 'weight' of designs as infringed IPRs was very much higher in terms of estimated value (54 %) than in terms of the number of items detained (22.5 %). Despite the preponderance of trade marks, products with a higher unit value are more often detained stating infringement of a design right than infringement of a trade mark., at least, in certain subcategories. This would be the case of the subcategory of Clothing accessories, whose average unit price was, for the goods detained in 2020, more than two and a half times that of an average detained item, and in which the weight of the design as the infringed IPR reaches, as mentioned, 87 % of the items detained, or the subcategory of Audio/video apparatus, whose average unit price was, during the same period, more than three times that of an average detained item and in which the weight of the design, as the infringed IPR, reached 69 %.

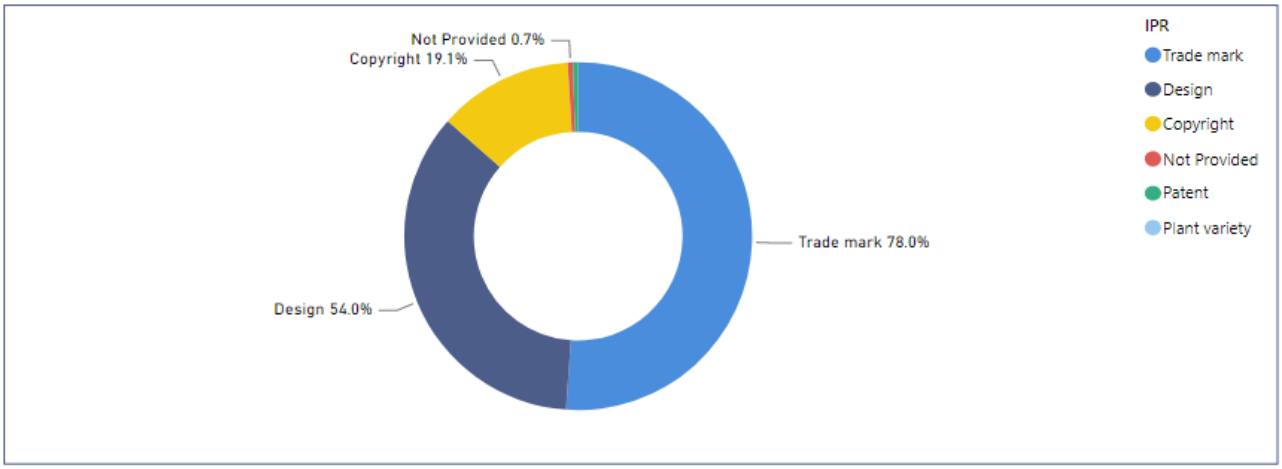


Figure 5-7: Share of reported detentions by type of IPR (estimated value of items) in 2020

6 Overall results

The IP Enforcement Portal provides an overview of the reported detentions of fake products by national authorities, both those made by customs at the EU border and those made inside the EU by the competent law enforcement authorities ([23]).

The figures of the overall detentions of fake goods by EU enforcement authorities in 2020 continued the declining trend of the previous 2 years, both in terms of quantity of items detained and their estimated value.

It is particularly important to stress that the data on overall detentions presented in this section are not the exact addition of the data on detentions at the EU border analysed in section 4 and those on detentions in the national markets of EU Member States described in section 5, since the fake goods detained at the EU border but later released are not recorded in the IP Enforcement Portal and, therefore, do not appear in the overall results analysed in this section ([24]) (see further explanation in the eighth bullet point of Annex B). All in all, 90% of the number of detention procedures at EU border are included in the 2020 overall perspective. It follows that, wherever in this section there is a reference to “detained articles/items/products”, it shall be understood “detained and not released articles/items/products”.

([23]) To understand some of the limitations on the analysis caused by the availability of data, please see Annex B. In particular, the limitations and issues of availability of data on detentions in EU internal market, referred to in that Annex produce a bias in this section’s conclusions similar to that referred to in section 5. Worthy of particular mention is that the gaps in information from EU-wide enforcement authorities that did not report in 2020 compared to 2019 were estimated at around 2.3 million items (not) reported as detained.

([24]) The set of data on detentions at the EU border used for the overview in section 6 Overall results (overall detentions) does not coincide with that used in section 4 Results at the EU border (on detentions of goods infringing IPRs at that border). Indeed, after suspending the release of items suspected of infringing IPRs, customs authorities can either release them later, have them destroyed, or keep them under supervision for as long as the procedures for determining the infringement run. Only the last two situations, which both result in the goods very likely to be ‘fake’, are reported in the IP Enforcement Portal.

6.1. Number of articles and estimated value

Although the number of fake goods reported as detained differed greatly depending on the subcategory of products, the measurement of the fake goods detained gives an idea of the results of the work made by the different national enforcement authorities in the field of IPR protection.

The number of fake goods detained in the EU in 2020 was around 66 million, showing a significant decrease (more than 13 %) in comparison with the 2019 figure, around 76 million (see Figure 4-1 below). Moreover, the proportion of fake goods detained in the EU internal market in 2020 reached 69 % of the total, while the share of border detentions accounted for the remaining 31 %. In 2019, the proportion of fake goods detained in the EU internal market represented around 58 % of all IPR infringement related detentions.

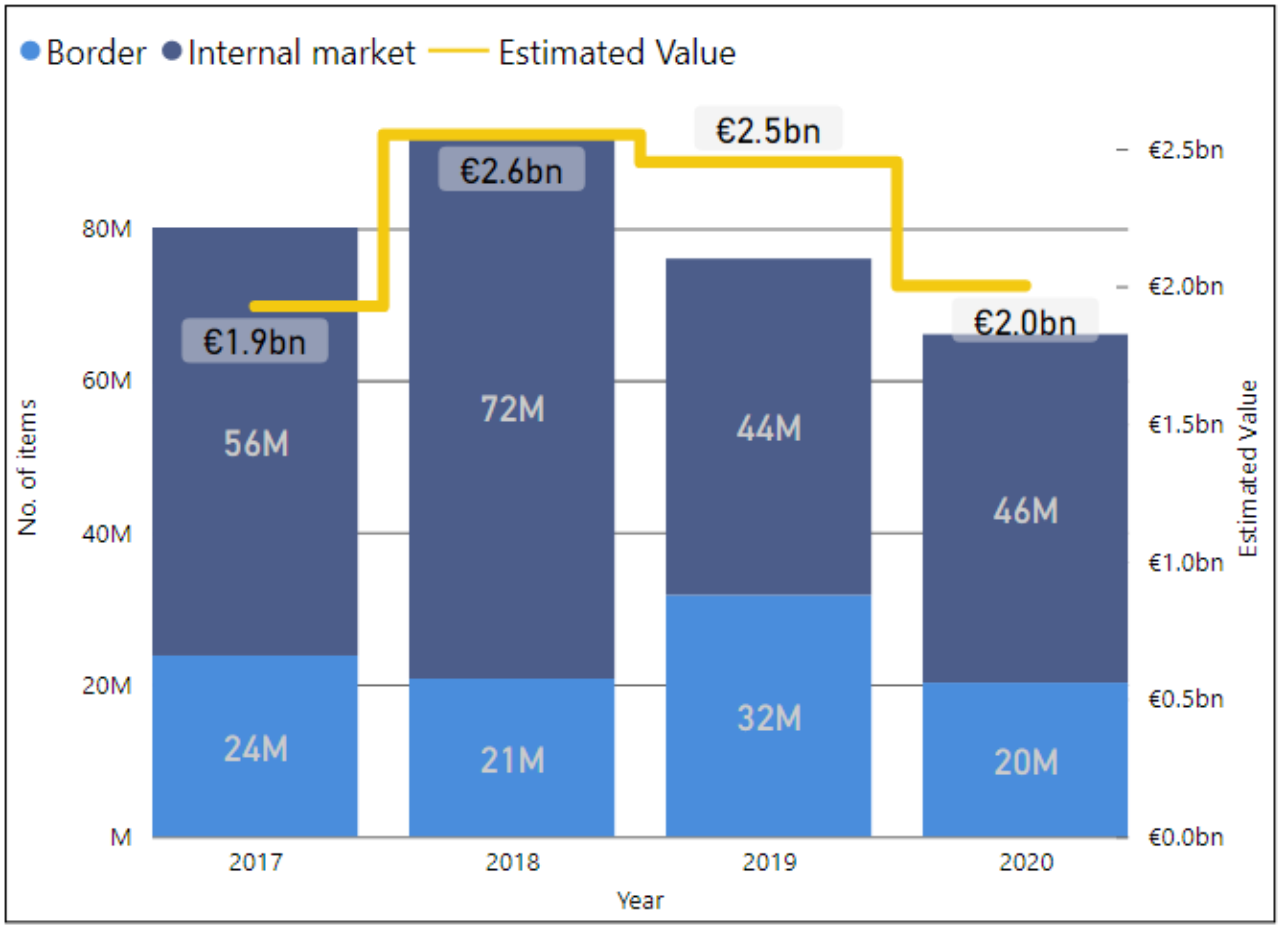


Figure 6-1: Reported quantity and estimated value of items detained in 2020

The estimated value of the fake goods detained in the EU in 2020 was some EUR 2 billion, compared to some EUR 2.5 billion in 2019 (see Figure 6-1 above). The fake goods detained in the EU internal market represented almost 65 % of the estimated value of the overall items detained, with the remaining 35 % corresponding to fake goods detained at the EU border and not released later. This distribution was 73 % / 27 % in 2019.

6.2. Data per Member State

The distribution by Member State of the share of fake goods detained in 2020, in terms of the number of articles detained, can be seen in Figure 6-2 below. The same distribution, but in terms of the estimated value of the detentions, is shown in Figure 6-3.

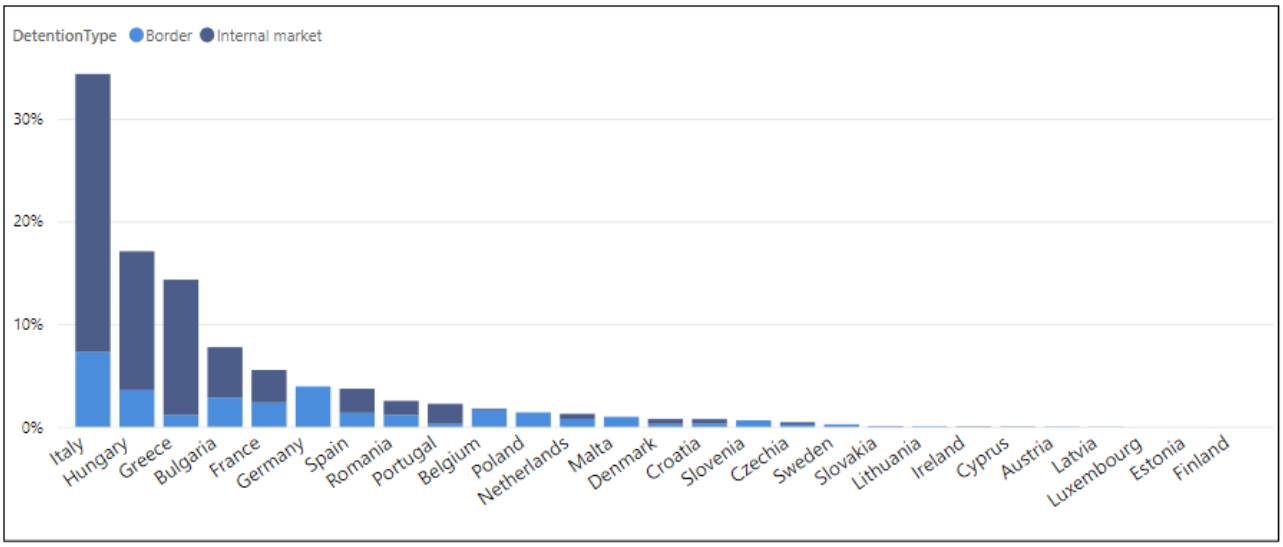


Figure 6-2: Share of reported not released detentions by Member State and type of detention (number of items) in 2020

The cumulated share of fake goods detained by the top 10 Member States in 2020 corresponds to more than 93 % of the articles detained and over 91 % of their estimated value.

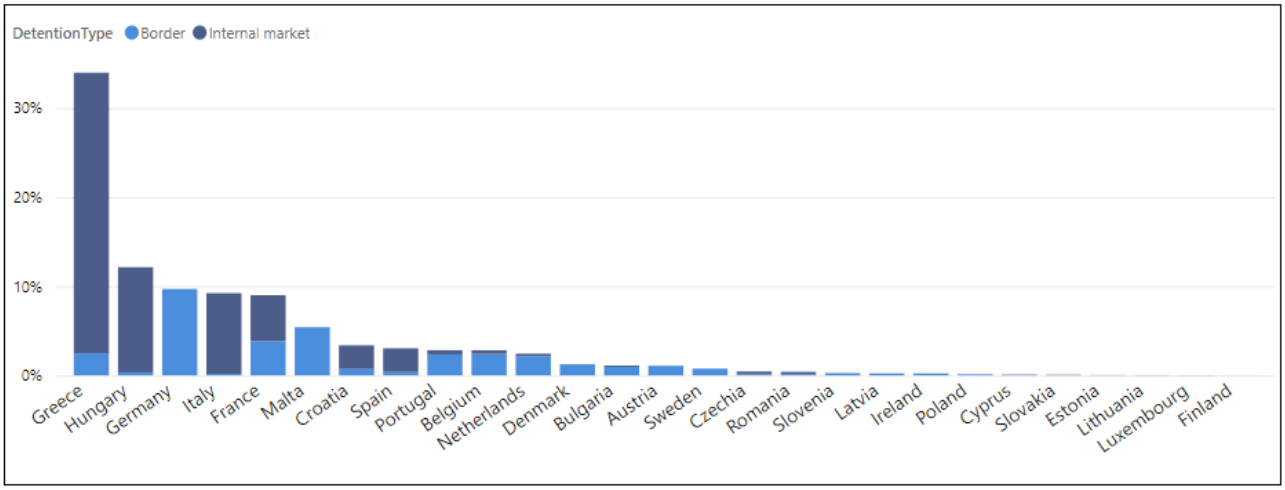


Figure 6-3: Share of reported not released detentions by Member State and type of detention (estimated value of items) in 2020

Furthermore, as shown in Figure 6-2 and Figure 6-3 above, just the Italian Guardia di Finanza reported over 27 % of the articles detained in the EU and more than 9 % of their total value.

Greece, France, Italy and Hungary appear in the 2020 top 5 from the perspective of both number of items and estimated value. Finally, it is worthy of mention that Germany is in sixth position from the perspective of the overall number of items detained and not released and in the top 5 regarding their estimated value just on the basis of the detentions performed at the EU border, since this Member State does not report on internal market detentions.

6.3. Data per product subcategory

Data on the share of the number of items detained by subcategory of products (see Figure 6-4 below) show that the top 5 subcategories identified in terms of the number of 'fake items detained' in 2020 are Clothing accessories, Packaging materials, Recorded CDs/DVDs, Labels, tags, stickers and Clothing.

From the comparison with the top 5 in 2019, Clothing accessories, Clothing and Packaging materials appeared quite consistently in previous annual top rankings per number of items. Recorded CDs/DVDs climbed to 2nd position from 20th in 2019.

Moreover, the recurrent appearance in the top 10 subcategories (in terms of quantity) of two specific product subcategories – Packaging materials (2nd among identified subcategories) and Labels, tags, stickers (4th) – must be highlighted, since they have the effect of enabling the potential generation of more fake products and, consequently, have the capacity to cause additional harm. These categories already occupied the 2nd and 8th positions in the ranking of subcategories identified in 2019 and the 2nd and 6th in 2018. The volume of unidentified products – classified as Other goods – is, for one more year, significant, making up around 23 % of all the goods detained in 2020 (18 % in 2019).

Finally, among the top 13 subcategories per number of fake goods detained, 10 of them appear both in 2019 and 2020, with some movements up and downwards. The subcategories Recorded CDs/DVDs, Lighters and Sport shoes have appeared in the top 13 in 2020, replacing Other electronics, Alcoholic beverages and Perfumes and cosmetics.

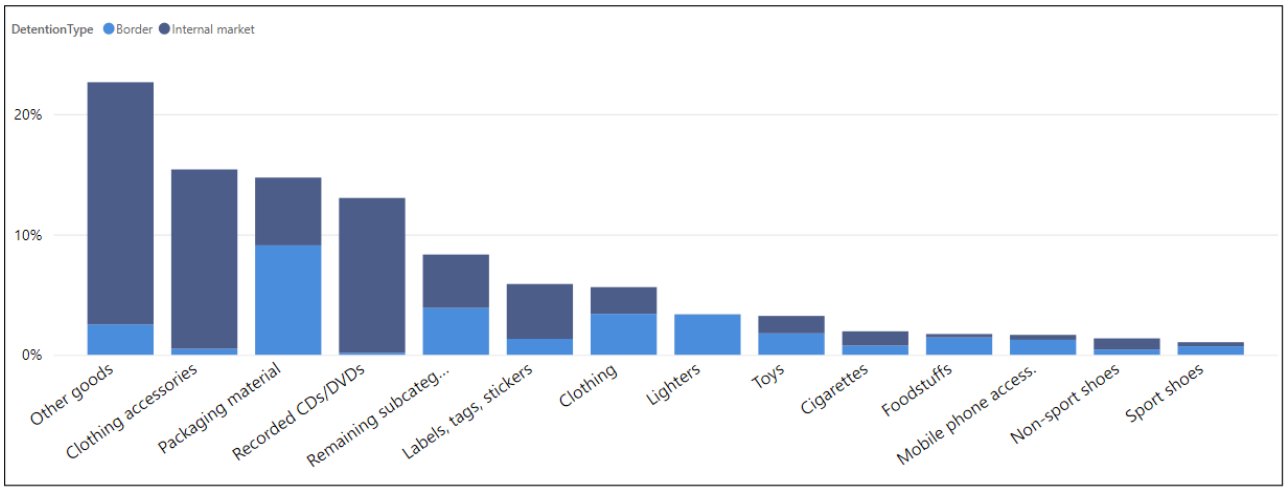


Figure 6-4: Share of reported not released detentions by subcategory of goods and type of detention (number of items) in 2020

Data on the share of the estimated value of items detained by subcategory of products (see Figure 6-5 below) show Clothing accessories, Clothing, Recorded CDs/DVDs, Watches, and Bags, wallets, purses as the top 5 subcategories identified in 2020.

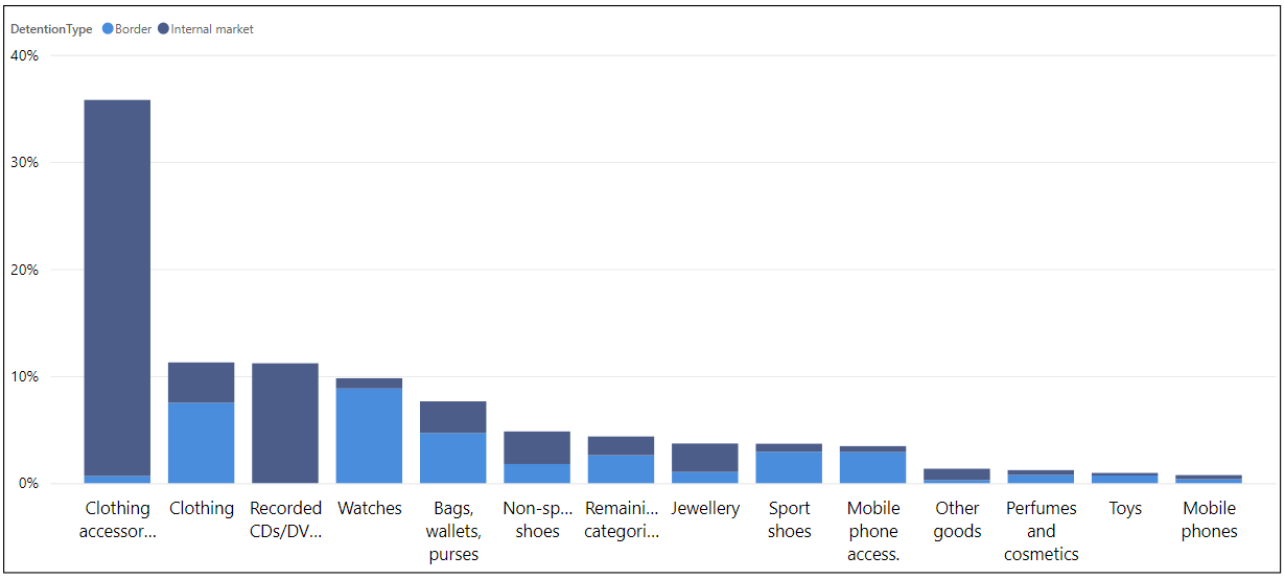


Figure 6-5: Share of reported not released detentions by subcategory of goods and type of detention (estimated value of items) in 2020

From those top 5 subcategories, Watches and Bags, wallets, purses belong to the type of subcategory with a high value per unit, which would explain their appearance on the list, while Clothing accessories and Recorded CDs/DVDs are there because of the high number of items detained, as shown in Figure 6-4 above.

Finally, the subcategories of Clothing accessories, Watches and Bags, wallets, purses appear quite consistently in the annual top rankings of overall detentions by estimated value.

6.4. Data per intellectual property right

The 2020 distribution of the infringed IPRs at the time of detention shows that trade marks continue to be the predominant right infringed. In 2020, almost 76 % of fake goods detained corresponded to detentions where at least one trade mark was infringed. This was followed by designs (23 %), significantly increasing for the period at stake, and by copyright (15 %) (see Figure 6-6 below ([25])).

([25]) Once again, percentages total more than 100 % because, both in COPIS and on the IP Enforcement Platform, there can be several infringed IPRs in the same record.

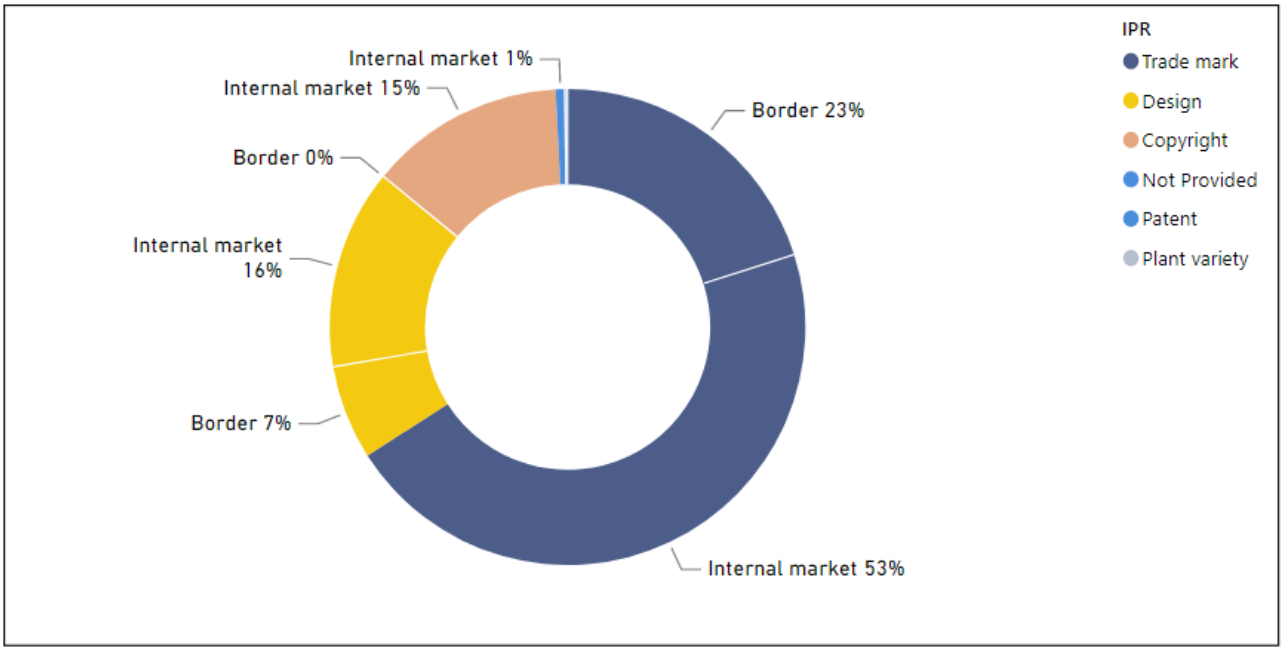


Figure 6-6: Share of reported not released detentions by type of IPR and type of detention (number of items) in 2020

A similar trend appeared in terms of the estimated value of items: in 2019 nearly 85 % of this value related to detentions where at least one trade mark was infringed, again followed by designs (36 %) and, quite far behind, by copyright (12 %) (see Figure 6-7 below).

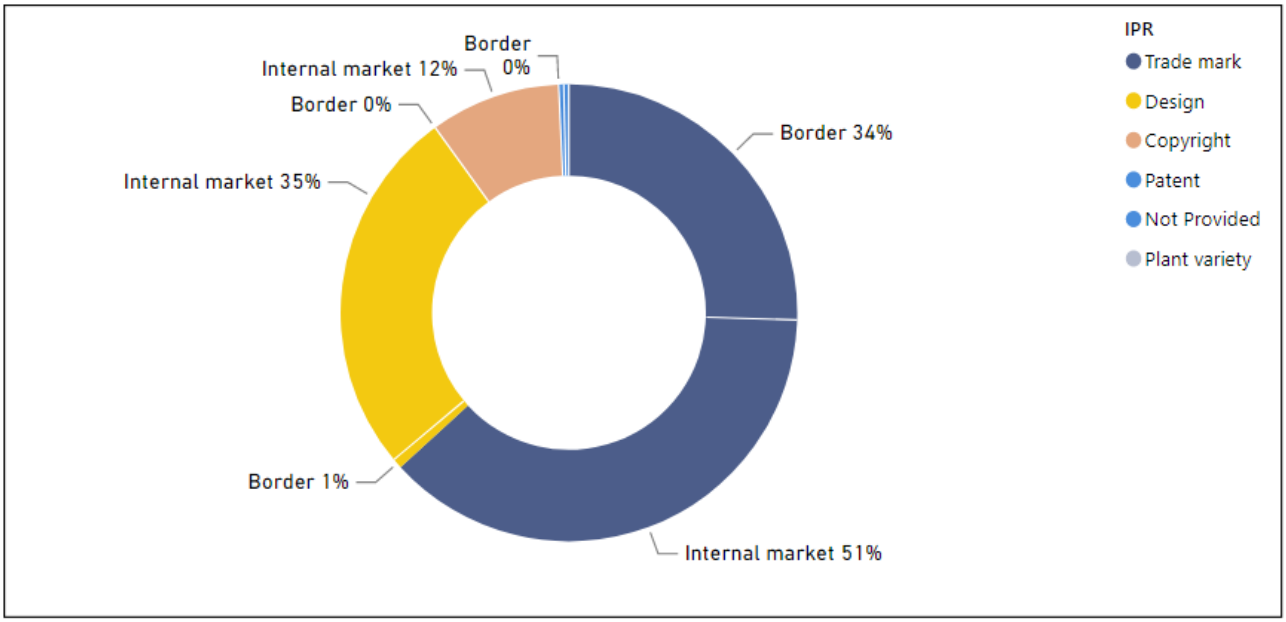


Figure 6-7: Share of reported not released detentions by type of IPR and type of detention (estimated value of items) in 2020

The share of detentions failing to report at least one IPR as a basis for its enforcement (which reached significant values during the period 2013-2017) has clearly decreased over the years, being negligible (0.73 %) in 2020. This increase in precision, concentrated in the data on detentions in the EU internal market, allowed for a better-quality analysis.

Moreover, almost mimicking what happened in the detentions of fake goods in the EU internal market, the weight of designs as infringed IPR in the whole EU during 2020 was among the highest in the product subcategories of Clothing accessories, Audio/video apparatus, Mobile phones and Non-sport shoes. Copyright appears to be mostly infringed in Recorded CDs/DVDs, whereas patents are mostly declared as infringed IPR in the subcategory of Mobile phones. However, in all these subcategories, with the exception of Recorded CDs/DVDs, trade marks are still the predominant IPR infringed.

6.5. Comparison of detentions at the EU border and in the EU internal market

Although in the previous sections the breakdown between detentions at the EU border and in the EU internal market was shown for some characteristics, the comparison of the number of detentions carried out at the EU border and in the EU internal market deserves to look at them more in depth from an additional angle, in particular regarding subcategories of products.

The purpose of this section is to highlight the main differences existing in the subcategories of products predominantly detained in the two different scenarios of action of the IPRs enforcement authorities in the EU.

The methodology used, described in detail in Annex G, was based on the gap between the share that a subcategory of products represented in the detentions at the EU border not released later and the share that the same products represented in detentions in the EU internal market. The shares were calculated for a comparable subset of Member States in which the two sets of data were solidly available in 2020 ([26]). This gap, or delta, is called '$\Delta Share$'. The larger the delta, the larger the difference in the results of detentions of such products at the EU border versus in the EU internal

([26]) This subset contains detentions in 2020 in all the EU Member States except Germany, Austria, Finland and Sweden.

market for the selected subset. Positive gaps or deltas mean that the share of detentions of those subcategories of goods is higher at the EU border than in the EU internal market, and vice versa.

The subcategories for which these deltas were higher than 2 % in 2020 are shown below: Figure 6-8 shows data by number of items and Figure 6-9 by estimated value.

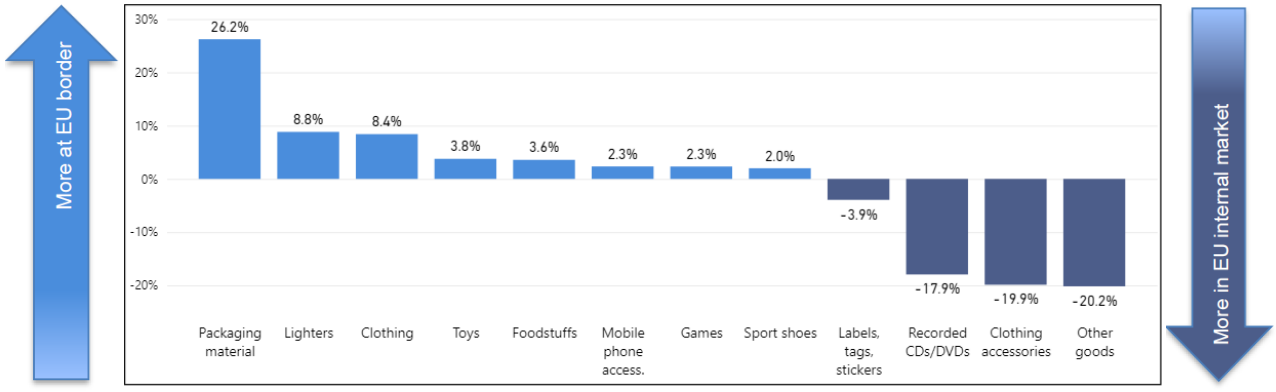


Figure 6-8: Difference in the share of detentions not released at the EU border versus in the EU internal market by number of items for the selected subset in 2020

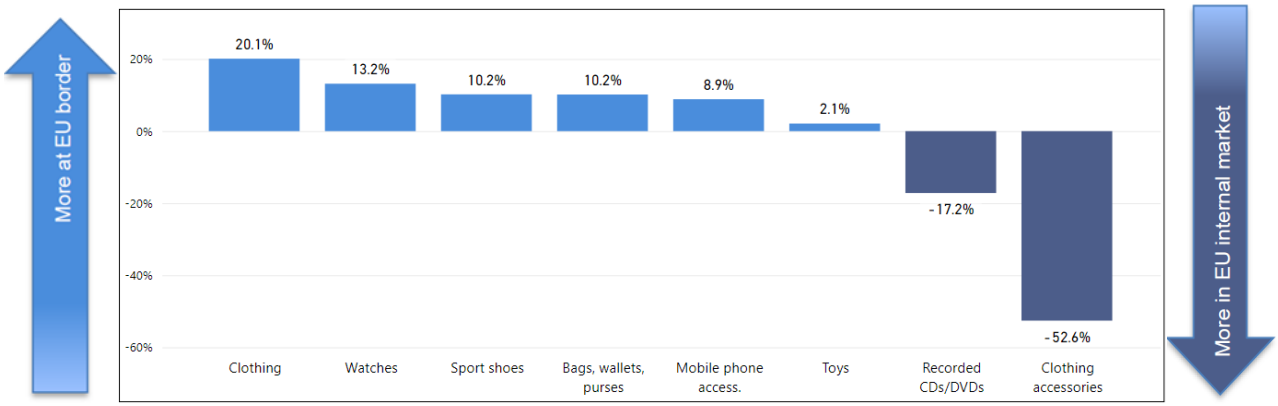


Figure 6-9: Difference in the share of detentions not released at the EU border versus in the EU internal market by estimated value of items for the selected subset in 2020

The in-depth look into this delta by subcategory of products, in terms of both quantity of items and their estimated value, shows that the enforcement authorities acting in the EU internal market and those acting at the EU border detained different types of goods in 2020.

The combination of both figures indicates that there was a relative predominance of detentions at the EU border of goods belonging to the subcategories of Clothing and Packaging materials, whereas the relative predominance of detentions in the EU internal market was of goods belonging to the subcategories of Clothing accessories and Recorded CDs/DVDs, the only new one in the list when comparing with 2019.

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Annex A. Enforcement Authorities

A.1. EU BORDER

In the EU border scenario, the enforcement authorities are the customs offices that regularly report, through one reporting authority per Member State and using COPIS, data on detentions of goods allegedly infringing IPRs.

Almost 600 different customs offices were behind the detentions reported in 2020 by the Member States' customs reporting authorities. The distribution of these customs offices by Member States shows, however, a different level of concentration of the detainers (see Figure A-1).

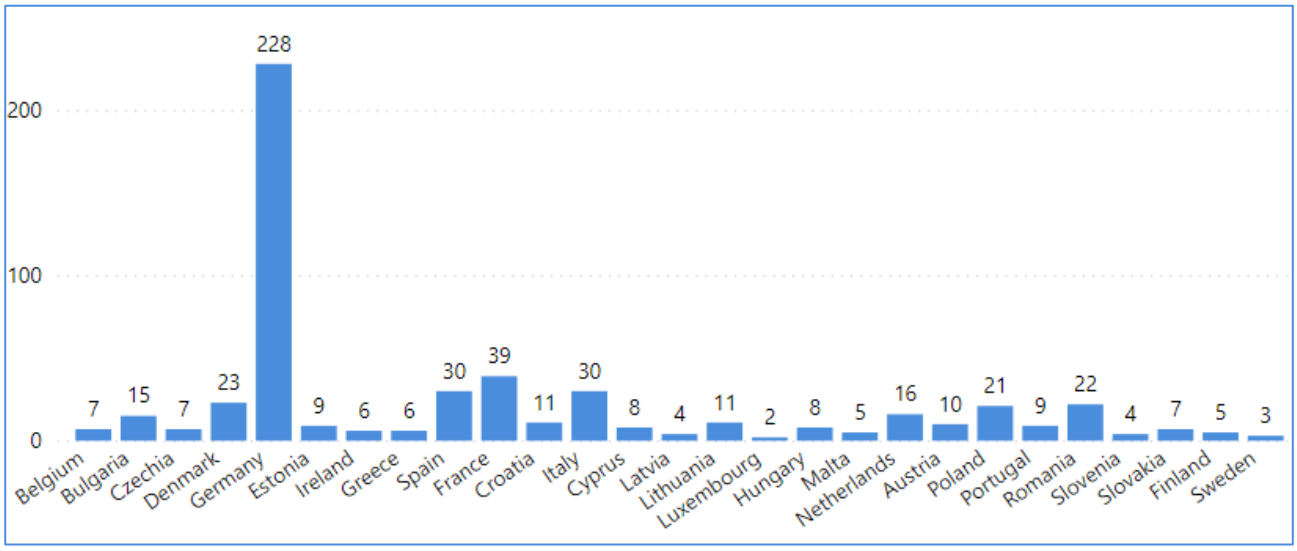


Figure A-1: Number of detaining customs offices in 2020 per Member State

A.2. EU INTERNAL MARKET

In the EU internal market scenario there are a number of enforcement authorities with legal powers to detain counterfeit and pirated goods, which report about those detentions. These are included in Table A-1.

COUNTRY	ENFORCEMENT AUTHORITIES	DISCLAIMERS
Belgium	FSP Economy	
Bulgaria	Ministry of Interior. General Directorate Combating Organised Crime	The Combating Organised Crime General Directorate has been in charge of the collection of counterfeit and pirated goods since January 2016.
	Ministry of Interior. Directorate National Police	National Police Directorate was in charge of the collection of counterfeit and pirated goods until December 2015.
	Customs Intelligence and Investigation Directorate. National Customs Agency	
Croatia	Criminal Police Directorate. High-tech Crime Department	The Croatian Police does not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of fake goods at the EU border.
	Ministry of Finance. Customs Administration	
Cyprus	Cyprus Police. Combating Crime Department	
	Customs and Excise Department. IPR Unit	
Czechia	General Directorate of Customs. Customs Department	
Denmark	State Prosecutor for Serious Economic and International Crime	
Estonia	Estonian Police and Border Guard Board	
Finland	Customs Enforcement Department. Intelligence and Analysis Unit	
France	Gendarmerie Nationale	
	Direction Générale des Douanes et Droits Indirects	
Greece	Directorate of Data Management, Statistical Analysis and E-commerce Supervision. Interagency for Market Control Hellenic Ministry of Development and Investments.	Greek internal market enforcement authorities do not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of fake goods at the EU border.

Hungary	Hungarian National Police. Criminal Directorate. Criminal Division	The Hungarian National Police is in charge of inland detentions of only medical and pharmaceutical products.
	National Tax and Customs Administration. Department of Enforcement	
Ireland	An Garda Síochána. Intellectual Property Crime Unit / Irish Tax and Customs	Internal market data published by Irish Tax and Customs authority resulted from the joint enforcement operations
	An Garda Síochána. Intellectual Property Crime Unit	
Italy	Ministero dello Sviluppo Economico. Direzione Generale per la Tutela della proprietà Industriale – Ufficio Italiano Brevetti e Marchi. Divisione III – Politiche e progetti per la lotta alla contraffazione.	The Italian system of aggregating data does not match that of the IP Enforcement Portal. As a consequence, data on internal detentions of *Foodstuffs* and *Beverages*, *Tobacco products* and *Medicine products* are not uploaded to the IP Enforcement Portal. The Italian system of defining IPR type classifications does not match that of DG TAXUD. For this reason, the Italian data '*IPR Type*' are referred to in the IP Enforcement Portal as NOT PROVIDED with the exception of COPYRIGHT. The published figures on detained items from the Carabinieri refer to both counterfeit and pirated goods. The data provided by the Carabinieri do not indicate the ID numbers of specific cases. Therefore, each row has been taken as a unique case. The figures published on detained items from the Polizia di Stato refer to both counterfeit and pirated figures. The data provided by the Polizia di Stato do not indicate the ID numbers of specific cases. Therefore, each row has been taken as a unique case. The figures published on detained items from the Polizia Municipale refer to both counterfeit and pirated goods. Although each Italian municipality has its own local police force, all the inland detentions issued by them will be available in the IP Enforcement Portal under the general heading 'POLIZIA MUNICIPALE'.
Latvia	Latvian State Police	Latvian State Police does not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of fake goods at the EU border.
Lithuania	State Patent Bureau	
Luxembourg	Public Prosecutor's Office	Public Prosecutor's Office does not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of fake goods at the EU border.
Malta	Malta Police Force. Economic Crimes Squad	

Netherlands	Ministry of Finance. FIOD CT Midden	According to the Dutch instruction for IPR fraud, in cases of danger to the public's health/safety, large-scale trading or indications of a criminal organisation recidivism, the investigative authorities in the Netherlands can start a criminal investigation (including inland seizures). The FIOD (the fiscal information and investigation service of the Dutch Tax and Customs Administration) and the police are the investigative authorities in the Netherlands.
Poland	National Police	The Polish National Police does not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of fake goods at the EU border.
Portugal	Portuguese Institute of Industrial Property	
Romania	Romanian Police	
Slovakia	Financial Directorate	
Slovenia	Criminal Police Directorate. Economic Crime Division	Since the number of IPR infringement cases is not considered problematic, the Slovenian Police does not collect separate data on inland cases for statistical purposes. However, this does not mean that the number of detentions in Slovenia is zero.
Spain	Spanish Patent and Trade mark Office	
Sweden	Swedish Police Authority	

Table A-1: EU internal market reporting enforcement authorities

As described in Annex B, the data on detentions used for the present document were the ones validated and published online in the IP Enforcement Portal until the end of 2020.

Annex B. Availability, quantity and quality of data

- Data on detentions at the EU border are regularly loaded into COPIS by the EU custom authorities.

  Data on reported detentions in the EU internal market are loaded into the IP Enforcement Portal on the basis of the data reported by different EU enforcement authorities. They are loaded yearly, but in different bulks of data depending on the enforcement authority.

  For the analysis of the overall detentions, data on detentions at the EU border are also partially loaded into the IP Enforcement Portal on the basis of COPIS data. They are loaded yearly, in a one-shot loading exercise.

- The analysis, including the graphs, tables and rankings, presented in section 4 on detentions at the EU border are based on the data collected directly from EU customs of the 27 EU Member States through DG TAXUD's COPIS system. Data concerning the detentions in the EU internal market, presented in section 5, have been provided directly to the IP Enforcement Portal by the national enforcement authorities of 23 Member States. The information presented in section 6 on aggregated overall detentions has been produced on the basis of the same data used for the EU internal market analysis in section 5 plus data concerning detentions at the EU border that have been collated in the Portal. The latter are based on a subset (see eighth bullet point of this section) of data received in COPIS from the 27 Member States.

- All data available in the IP Enforcement Portal have been published online, either directly by the data owners (the respective enforcement authority), or by the national offices in charge of coordinating the provision of the data at national level ([27]).

- The quality of the results of the analysis, as well as of any data, graphs, tables and rankings presented in this document, is conditioned by the quality of the data stored in the COPIS system and of the data published on the IP Enforcement Portal by, or on behalf of, the different reporting authorities.

([27]) In some cases, the data have been published indirectly by the EUIPO on their behalf and with their written approval.

- In the same way as DG TAXUD's reporting system, the IP Enforcement Portal collects data on the infringement of physical goods. Therefore, no data is provided on infringements related to intangible goods, such as online piracy ([28]), and it was not possible to solidly incorporate this kind of infringement into the document.

- Besides the usual data availability issues, Brexit and the exceptional situation of the COVID-19 pandemic and its consequences throughout 2020 have conditioned the figures on detentions in the EU internal market and, hence, on overall detentions. Logically, national market enforcement authorities had to prioritise duties other than those in the field of intellectual property, and some were not able to pay the usual attention to the tasks of enforcing IPR crimes in 2020. Other customs authorities, with jurisdiction in their national market, were blocked by the lockdown, with a similar effect on their tasks. Moreover, British enforcement authorities, both customs and internal market ones, did in particular not provide data on 2020 detentions on time to be included in this factual document. The gaps in information from EU wide Enforcement Authorities who did not report in 2020 compared to 2019 were estimated at around 2.3 million items (not) reported as detained, out of which 2.1 million related to the Brexit. However, the effects of the pandemic in the usual attention of enforcers to the tasks of enforcing IPR crimes can hardly be estimated.

- DG TAXUD systematically collects the estimated total values of detentions at the EU border of goods infringing IPRs. As mentioned in the section 4.3 'Data per product subcategory', the standard value for reporting by Member States at the EU border is the domestic retail value (DRV), which is the retail price at which the goods would have been sold on the Member State's market, had they been genuine. For reasons of consistency, the reporting in the IP Enforcement Portal of the estimated value of items detained in the EU internal market is also based on the estimated retail value of the genuine product, as reported by the corresponding reporting authorities.

  Consequently, the products' estimated retail values may vary from one Member State to another or from one moment in time to another. Therefore, the collected estimated retail values

([28]) With the sole exception of some Italian internal market enforcement authorities, see Table A-1 in section A.2 of Annex A.

assigned to the detained products are influenced and conditioned by the characteristics of the equivalent genuine products.

Moreover, and as also mentioned in the section 4.3 'Data per product subcategory' for the detentions at the EU border, the DRV method, particularly in the subcategories of luxury products, may lead to inflated estimated values of the goods detained, compared to alternative methods for valuing them. Indeed, in these subcategories (e.g. luxury watches), the retail price of the genuine good is much higher than that of, for instance, the fake product in the secondary markets ([29]) or than, alternatively, its cost. These are two alternative valuing methods that could also have been chosen.

However, the estimated value per item is not a mandatory field to be recorded in the IP Enforcement Portal by EU internal market enforcement authorities. Where no estimated value per item is provided, figures on the economic value of the fake goods are estimated, based on 'economic indicators'. These economic indicators are calculated based on the 'value per item' of similar products contained in the DG TAXUD annual EU border detentions data. Assigning an estimated value to a detention on the basis of economic indicators introduces an additional limitation to the accuracy of the data concerning detentions in the EU internal market and, hence, in the overall detentions.

- The set of data on detentions at the EU border used for the analysis in section 6 (overall detentions), does not coincide with that used in section 4 on detentions of goods infringing IPRs at the EU border. Indeed, after suspending the release of items suspected of infringing IPRs, customs authorities can either release them later, have them destroyed, or keep them under supervision for as long as the procedures for determining the infringement run. Only the last two situations, which both result in the goods very likely to be 'fake', are reported in the IP Enforcement Portal. Since the IP Enforcement Portal just contains a subset of COPIS data, the number of procedures registered in the IP Enforcement Portal is lower than those registered in COPIS by Member States' customs authorities. Since 2013, the ratio between the subset of procedures at the EU border recorded in the IP Enforcement Portal and those recorded in the COPIS database has remained stable, 90 % to 91 % of the detentions (90 %

([29]) Markets in which the buyers are completely aware that the products are counterfeits and in which they would therefore never pay the DRV.

in 2018, 91 % in 2019 and 90 % in 2020). This ratio would be an indicator of the minimum level of effectiveness of customs controls, meaning that, in 90 % of detention procedures, the identification of suspected goods by customs (together with the IPRs holders) was confirmed.

Moreover, the fields recorded in COPIS for a detention procedure referring to the itinerary of the goods detained (countries of provenance and destination, etc.) and to the result of the detention (destruction under standard procedure or procedure for small consignments, release, etc.) have not been systematically stored in the IP Enforcement Portal. This is because the equivalent information for detentions in the EU internal market is rarely, if ever, available (see section B.2 in Annex B), or the information is too specific to detentions at the EU border.

- Only two common parameters, used by all the EU internal market reporting enforcement authorities, can be exploited for analysis and comparison in the overall results: the number of detained items and their estimated value. The number of cases and the number of procedures are not parameters that can be used in the analysis of the set of internal market detentions and, as a consequence, in the set of overall data since, in most of the cases, EU internal market reporting enforcement authorities aggregate in their reports the results of several procedures or cases into one monthly or even yearly record.

- Finally, due to the unavailability of values in some fields in the data of the detentions in Member States' national markets, an analysis from some angles, in particular those related to routes and transport, cannot be done for the internal market detentions nor for the overall detentions.

B.1. EU BORDER DETENTIONS DATA FOR THE OVERALL RESULTS

B.1.1. Availability of records

Records on reported detentions at EU Member State borders are available for 100 % of the Member States both in COPIS and, subsequently, in the IP Enforcement Portal. However, as explained above, United Kingdom enforcement authorities did not report on detentions at the EU border in 2020.

B.1.2. Description, availability and quality of fields

In COPIS, most of the fields related to the itinerary of the goods detained (countries of provenance and destination, etc.), to the result of the detention (destruction under standard procedure or procedure for small consignments, release, etc.), to the IPR infringed and to the means of transport engaged are quite systematically available.

However, as explained previously, not all the fields existing in COPIS, in particular, most of those related to the itinerary of the goods detained and those related to the result of the detention, have been systematically stored in the IP Enforcement Portal. As mentioned, the reason is that the equivalent information for detentions in EU Member States' national markets is rarely (if ever) available (see next section) or the information is too specific to detentions at the EU border.

There are 36 subcategories used to describe the types of products detained at the EU border, classified under 12 main categories, (see Table E-2 in Annex E).

B.2. EU INTERNAL MARKET DETENTIONS DATA

The main constraints on the availability of detentions data reported in particular by the EU internal market's enforcement authorities can be summarised as follows.

- As far as the data on detentions of fakes in the EU internal market are concerned, the IP Enforcement Portal is a living and dynamic tool, into which IPRs enforcers may upload data in several bulks, and may further update the information, since the Portal is used by a number of them as their own reporting tool. Consequently, an EU internal market enforcement authority could continue to load marginal bulks of detention data, or to enter updates after the extraction for the analysis of a certain period has been carried out. This was the case of the Bulgarian Ministry of Interior General-Directorate Combating Organised Crime, the Italian Carabinieri, Polizia Municipale and Polizia di Stato, the Portuguese Polícia Segurança Pública and the Dutch Ministry of Finance FIOD for 2019 and 2017 detentions in their national market data, where additional data on this set of detentions were uploaded after the data had been extracted for the analysis of the EUIPO's last report published in May 2021. However, these additional data have been updated in this document, increasing the number of items detained in those years by 4 million, compared with past publications.

B.2.1. Availability of records

As a consequence, different degrees of availability of records on the reported detentions for all EU Member States' national markets exist in the IP Enforcement Portal, as shown in Table B-1 in the following section.

Records on national markets detentions are systematically unavailable from Austrian and German enforcement authorities, the first because their regulations do not allow the Police to execute *ex officio* seizures of counterfeit or pirated goods in their national market, and the latter because they have not yet joined the data provision network.

After having ceased to send data in 2014, Estonia resumed in 2018. At the moment of drafting this document, data for 2020 detentions are still missing from Finland and Sweden.

Similarly, the information provided by those enforcement authorities of Belgium, Bulgaria, Croatia, Ireland and Italy participating in the exercise, is estimated to cover between 82 % and 98 % of the national market detentions made in the whole country.

It should, however, be highlighted that, in most of the cases where the availability of data decreased between 2019 and 2020 or where the 2020 data were not available at the moment of drafting the document, the lockdown imposed during the COVID-19 pandemic seems to have been the main cause.

B.2.2. Description, availability and quality of fields

Table B-1 below summarises the availability of records from the different internal market national enforcement authorities ([30]).

([30]) The percentage of availability of data includes the estimate of the percentage of volume of detentions made in the EU internal market of a given Member State by the enforcement authorities of those Member States participating in the reporting exercise.

Country	2019	2020
Belgium	90%	90%
Bulgaria	100%	95%
Czechia	100%	100%
Denmark	100%	100%
Germany	0%	0%
Estonia	100%	100%
Ireland	92%	92%
Greece	100%	100%
Spain	100%	100%
France	98%	98%
Croatia	82%	82%
Italy	100%	86%
Cyprus	98%	100%
Latvia	100%	100%
Lithuania	100%	100%
Luxembourg	0%	100%
Hungary	100%	100%
Malta	100%	100%
Netherlands	100%	100%
Austria	0%	0%
Poland	100%	100%
Portugal	100%	100%
Romania	100%	100%
Slovenia	100%	100%
Slovakia	100%	100%
Finland	100%	0%
Sweden	0%	0%
United Kingdom (before Brexit)	13%	0%

Table B-1: Availability of records of the EU internal market detentions per Member State and year

Moreover, despite the IP Enforcement Portal being ready to accommodate fields informing about the itinerary used (country of origin; country of shipment; country, city and type of place of detention and country of destination), the means of transport engaged, and whether the products detained were made in the EU or not, most of these fields were not completed by the EU internal market's enforcement authorities in 2019 or 2020.

There are 44 subcategories used to describe the types of products detained in the internal market, 36 corresponding to the goods detained at the EU border plus 8 more added (however, one of these is '16a – Not provided'). The subcategories are classified under the same 12 main categories within the classification used for goods detained at the EU border plus another 4 main categories, defined to

accommodate the 8 additional subcategories previously mentioned. The additional categories and subcategories can be seen in Table F-1 and Table F-2 in Annex F.

Annex C. Annexes to the results at the EU border

C.1. OVERVIEW OF CASES AND ARTICLES DETAINED PER MEMBER STATE

	Number of cases			Number of articles		
Member State	2019	2020		2019	2020	
Belgium	28 393	17 469	-38%	595 705	4 837 237	712%
Bulgaria	647	790	22%	2 924 055	2 094 712	-28%
Czechia	913	682	-25%	4 182 292	248 726	-94%
Denmark	7 404	8 455	14%	553 316	187 428	-66%
Germany	30 923	19 873	-36%	3 416 121	3 411 029	-0%
Estonia	270	251	-7%	532 898	13 838	-97%
Ireland	606	1 836	203%	45 628	15 664	-66%
Greece	92	111	21%	1 388 284	754 226	-46%
Spain	3 928	1 935	-51%	563 145	1 174 199	109%
France	727	718	-1%	1 643 560	1 616 915	-2%
Croatia	731	640	-12%	250 377	346 946	39%
Italy	4 402	4 611	5%	1 881 712	4 804 926	155%
Cyprus	143	94	-34%	683 168	16 391	-98%
Latvia	125	208	66%	76 497	16 688	-78%
Lithuania	627	532	-15%	603 953	79 659	-87%
Luxembourg	645	201	-69%	15 590	6 705	-57%
Hungary	603	958	59%	530 114	2 390 615	351%
Malta	221	183	-17%	6 134 074	661 789	-89%
Netherlands	1 044	1 571	50%	1 979 183	881 020	-55%
Austria	2 026	3 318	64%	370 240	56 979	-85%
Poland	1 415	428	-70%	670 822	926 151	38%
Portugal	1 495	1 273	-15%	309 299	242 815	-21%
Romania	240	218	-9%	9 895 418	1 337 076	-86%
Slovenia	470	519	10%	326 095	433 515	33%
Slovakia	2 599	1 707	-34%	322 053	90 080	-72%
Finland	34	148	335%	161	119 947	74401%
Sweden	376	418	11%	75 270	156 897	108%
United Kingdom	769		-100%	999 224		-100%
Total	**91 868**	**69 147**	**-25%**	**40 968 254**	**26 922 173**	**-34%**

Table C-1: Evolution of the number of cases and number of articles detained per Member State

C.2. BREAKDOWN PER PRODUCT SECTOR OF NUMBER OF PROCEDURES, ARTICLES AND RETAIL VALUE

Product sector	Number of procedures	Number of articles (*)	Retail value original goods
Foodstuffs, alcoholic and other beverages	**50**	**5 391 136**	**4 039 374 €**
1a - Foodstuffs	23	4 624 547	1 558 405 €
1b - Alcoholic beverages	12	288 078	2 020 919 €
1c - Other beverages	15	478 511	460 051 €
Body care items	**4 859**	**651 507**	**21 332 457 €**
2a - Perfumes and cosmetics	4 693	285 959	19 966 420 €
2b - Other body care items (razor blades, shampoo, deodorant, toothbrushes, soap, etc.)	166	365 548	1 366 037 €
Clothing and accessories	**33 397**	**2 977 316**	**172 998 512 €**
3a - Clothing (ready-to-wear)	29 044	2 582 255	159 276 596 €
3b - Clothing accessories (belts, ties, shawls, caps, gloves, etc.)	4 353	395 061	13 721 916 €
Shoes, including parts and accessories	**20 369**	**839 409**	**107 326 036 €**
4a - Sport shoes	13 977	487 184	60 820 624 €
4b - Non-sport shoes	6 392	352 225	46 505 412 €
Personal accessories	**21 435**	**497 875**	**320 881 462 €**
5a - Sunglasses and other eye-glasses	2 342	95 987	12 138 076 €
5b - Bags including wallets; purses; cigarette cases and other similar goods that can be carried in a person's pocket/bag	10 608	268 913	97 060 531 €
5c - Watches	6 975	54 102	181 449 101 €
5d - Jewellery and other accessories	1 510	78 873	30 233 754 €
Mobile phones, including parts and technical accessories	**5 409**	**968 859**	**73 877 277 €**
6a - Mobile phones	665	91 284	13 366 598 €
6b - Parts and technical accessories for mobile phones	4 744	877 575	60 510 679 €
Electrical/electronic and computer equipment	**5 146**	**272 706**	**15 243 717 €**
7a - Audio/video apparatus including technical accessories and parts	4 093	176 748	11 806 817 €
7b - Memory cards/sticks	89	12 440	329 780 €
7c - Ink cartridges and toners	109	884	64 234 €
7d - Computer equipment (hardware), including technical accessories and parts	339	46 596	1 777 696 €
7e - Other equipment, including technical accessories and parts (household machines, electric razors, hair straighteners, etc.)	516	36 038	1 265 190 €
CDs, DVDs, cassettes, game cartridges	**21**	**108 812**	**374 860 €**
8a - Recorded (music, film, software, game software, etc.)	20	107 812	374 760 €
8b - Unrecorded	1	1 000	100 €
Toys, games (including electronic game consoles) and sporting articles	**5 105**	**2 017 264**	**24 939 456 €**
9a - Toys	4 284	1 560 109	20 136 541 €
9b - Games (including electronic game consoles)	674	441 106	3 527 412 €
9c - Sporting articles (including leisure articles)	147	16 049	1 275 502 €
Tobacco products	**74**	**743 462**	**5 698 091 €**
10a - Cigarettes	14	508 492	4 752 132 €
10b - Other tobacco products (cigars, cigarette paper, electronic cigarettes and refills, etc.)	60	234 970	945 959 €
Medical products	**600**	**883 009**	**1 443 551 €**
11a - Medicines	600	883 009	1 443 551 €
Other	**5 105**	**11 570 818**	**29 475 684 €**
12a - Machines and tools	460	14 360	1 446 797 €
12b - Vehicles including accessories and parts	1 625	142 894	8 735 687 €
12c - Office stationery	55	66 788	207 923 €
12d - Lighters	222	2 220 814	5 064 104 €
12e - Labels, tags, stickers	445	952 587	1 063 946 €
12f - Textiles (towels, linen, carpet, mattresses, etc.)	629	32 964	3 158 191 €
12g - Packaging materials	655	6 278 311	2 191 566 €
12h - Other goods	1 014	1 862 100	7 607 470 €
Total	**101 570**	**26 922 173**	**777 630 477 €**

Table C-2: Breakdown per product sector of number of procedures, articles and retail value 2020

(*) Unless otherwise specified, the number of articles is counted as the number of individual pieces. In the case of articles traded in pairs, such as shoes, socks, gloves, etc., one pair is counted as one article. Category 10a (cigarettes) is registered in packets of 20 items.

C.3. OVERVIEW PER SECTOR OF NUMBER OF PROCEDURES 2017-2020

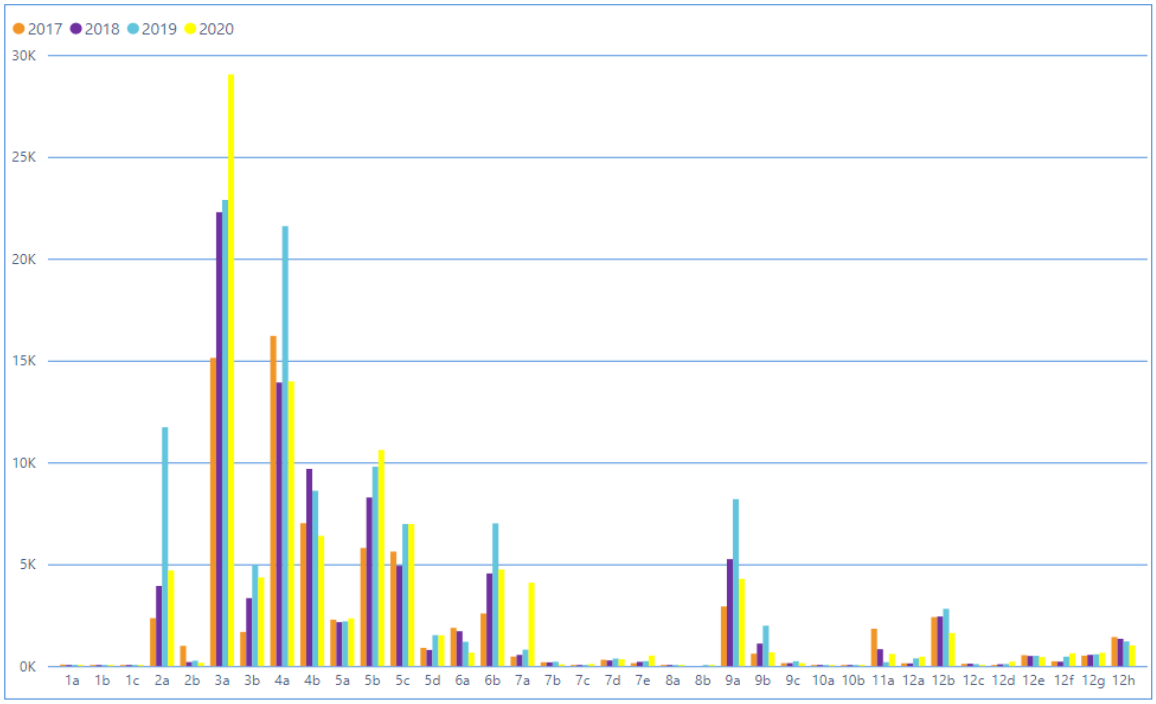


Figure C-1: Overview per product sector of number of procedures 2017-2020

C.4. OVERVIEW PER SECTOR OF NUMBER OF ARTICLES 2017-2020

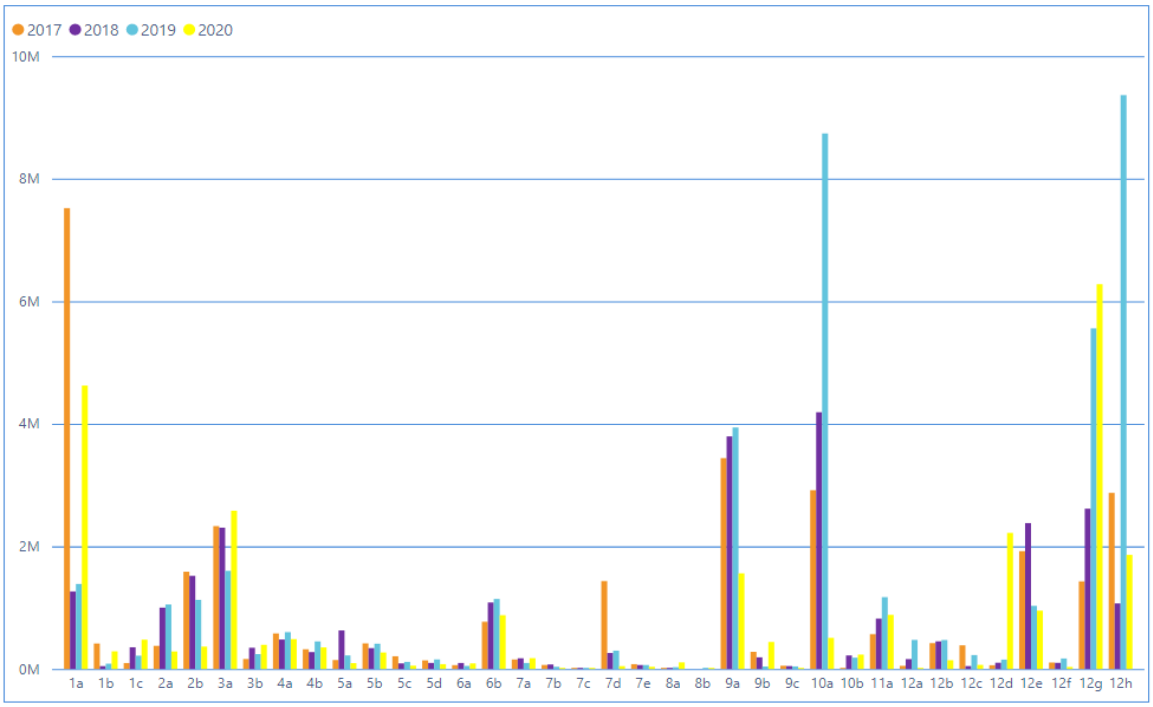


Figure C-2: Overview per product sector of number of articles 2017-2020

C.5. OVERVIEW PER PRODUCT SECTOR OF COUNTRIES OF PROVENANCE

Product sector		Number of articles, not released, in %, according to country of provenance		
Foodstuffs, alcoholic and other beverages				
1a	Foodstuffs	China 65.30	Jordan 22.80	Turkey 4.59
1b	Alcoholic beverages	Moldova 78.28	Poland 13.05	Panama 6.40
1c	Other beverages	China 100	--	--
Body care items				
2a	Perfumes and cosmetics	China 72.98	Turkey 21.71	Hong Kong, China 2.51
2b	Other body care items (razor blades, shampoo, deodorant, toothbrushes, soap, etc.)	China 92.80	Hong Kong, China 6.43	
Clothing and accessories				
3a	Clothing (ready-to-wear)	Turkey 60.31	China 27.13	Hong Kong, China 5.04
3b	Clothing accessories (belts, ties, shawls, caps, gloves, etc.)	Turkey 38.68	China 22.10	Vietnam 19.09
Shoes, including parts and accessories				
4a	Sports shoes	China 87.68	Turkey 6.39	Hong Kong, China 2.94
4b	Non-sports shoes	China 76.31	Hong Kong, China 13.80	Turkey 7.74
Personal accessories				
5a	Sunglasses and other eyeglasses	China 90.10	Hong Kong, China 7.02	United Arab Emirates 1.73
5b	Bags, including wallets, purses, cigarette cases and other similar goods that can be carried in a person's pocket/bag	China 62.22	Turkey 27.51	Hong Kong, China 6.43
5c	Watches	China 47.87	Hong Kong, China 44.65	Turkey 1.79
5d	Jewellery and other accessories	China 42.23	Turkey 31.85	Hong Kong, China 22.47
Mobile phones, including parts and technical accessories				
6a	Mobile phones	Hong Kong, China 93.54	China 3.82	
6b	Parts and technical accessories for mobile phones	Hong Kong, China 50.04	China 31.82	Singapore 12.64
Electrical/electronic and computer equipment				
7a	Audio/video apparatus, including technical accessories and parts	China 58.72	Hong Kong, China 39.22	Singapore 1.60
7b	Memory cards/sticks	China 42.89	Hong Kong, China 28.31	Singapore 27.00
7c	Ink cartridges and toners	China 63.24	India 35.96	
7d	Computer equipment (hardware), including technical	Hong Kong, China 83.41	China 16.43	

	accessories and parts			
7e	Other equipment, including technical accessories and parts (household machines, electric razors, hair straighteners, etc.)	China 67.13	Hong Kong, China 18.90	Singapore 13.42
CDs, DVDs, cassettes, game cartridges				
8a	Recorded (music, films, software, game software)	China 99.99		
8b	Unrecorded	China 100		
Toys, games (including electronic game consoles) and sporting articles				
9a	Toys	China 87.64	Hong Kong, China 10.11	Singapore 1.40
9b	Games (including electronic game consoles)	China 94.01	Hong Kong, China 3.81	United Arab Emirates 1.13
9c	Sporting articles (including leisure articles)	China 78.42	Hong Kong, China 14.82	Pakistan 6.35
Tobacco products				
10a	Cigarettes	China 100		
10b	Other tobacco products (cigars, cigarette papers, electronic cigarettes and refills, etc.)	China 53.67	Hong Kong China 17.67	United Arab Emirates 15.28
Medical products				
11	Medicines and other products (condoms)	Turkey 58.10	China 36.21	Vietnam 1.91
Other				
12a	Machines and tools	China 75.58	Hong Kong, China 24.03	
12b	Vehicles, including accessories and parts	China 41.72	Hong Kong, China 40.69	Turkey 6.03
12c	Office stationery	China 99.87		
12d	Lighters	China 99.99		
12e	Labels, tags, stickers	Hong Kong, China 41.76	China 40.99	Turkey 6.06
12f	Textiles (towels, linen, carpets, mattresses, etc.)	China 53.83	Turkey 21.54	Pakistan 10.38
12g	Packaging materials	Greece 74.87	China 13.33	Hong Kong, China 11.52
12h	Other goods	China 87.00	Saudi Arabia 4.32	Hong Kong, China 3.37
	Overall	China 50.39	Greece 22.27	Hong Kong, China 10.75

Table C-3: Overview per product sector of countries of provenance 2020

C.6. TOP THREE COUNTRIES OF PROVENANCE BY NUMBER OF ARTICLES

Top 1	Articles	% of total
China	**10 138 327**	**100%**
Lighters	2 206 126	22%
Other goods	1 451 363	14%
Toys	1 031 381	10%
Packaging material	801 102	8%
Foodstuffs	623 305	6%
Clothing	609 268	6%
Cigarettes	506 200	5%
Sport shoes	406 497	4%
Games	401 121	4%
Labels, tags, stickers	358 796	4%
Total	**10 138 327**	**100%**

Top 2	Articles	% of total
Greece	**4 505 705**	**100%**
Packaging material	4 500 000	100%

Top 3	Articles	% of total
Hong Kong, China	**2 174 266**	**100%**
Packaging material	692 196	32%
Mobile phone access.	411 489	19%
Labels, tags, stickers	365 610	17%
Toys	119 006	5%
Clothing	113 144	5%
Mobile phones	59 863	3%
Other goods	56 031	3%
Clothing accessories	54 425	3%
Audio/video apparatus	47 709	2%
Total	**2 174 266**	**100%**

Table C-4: Top three countries of provenance by number of articles 2020

C.7. TOP THREE COUNTRIES OF PROVENANCE BY VALUE (EQUIVALENT DOMESTIC RETAIL VALUE)

Top 1	Value	% of total
China	**313 682 298 €**	**100%**
Watches	61 106 770 €	19%
Bags, wallets, purses	55 077 554 €	18%
Sport shoes	51 250 623 €	16%
Clothing	31 939 633 €	10%
Non-sport shoes	24 950 612 €	8%
Perfumes and cosmetics	13 258 632 €	4%
Toys	12 752 463 €	4%
Mobile phone access.	11 362 195 €	4%
Sunglasses	9 600 327 €	3%
Total	**313 682 298 €**	**100%**

Top 2	Value	% of total
Hong Kong, China	**165 367 198 €**	**100%**
Watches	88 309 972 €	53%
Mobile phone access.	17 236 638 €	10%
Bags, wallets, purses	12 742 848 €	8%
Jewellery	8 344 556 €	5%
Non-sport shoes	7 380 068 €	4%
Mobile phones	6 948 272 €	4%
Clothing	6 295 771 €	4%
Audio/video apparatus	3 782 628 €	2%
Sport shoes	3 030 932 €	2%
Total	**165 367 198 €**	**100%**

Top 3	Value	% of total
Turkey	**133 910 342 €**	**100%**
Clothing	92 374 942 €	69%
Bags, wallets, purses	21 566 697 €	16%
Watches	10 011 683 €	7%
Non-sport shoes	2 544 648 €	2%
Clothing accessories	2 094 721 €	2%
Sport shoes	1 486 678 €	1%
Perfumes and cosmetics	1 354 929 €	1%
Mobile phone access.	777 740 €	1%
Other goods	615 321 €	0%
Jewellery	416 871 €	0%
Total	**133 910 342 €**	**100%**

Table C-5: Top three countries of provenance by value (equivalent domestic retail value) 2020

C.8. OVERVIEW OF PASSENGER TRAFFIC

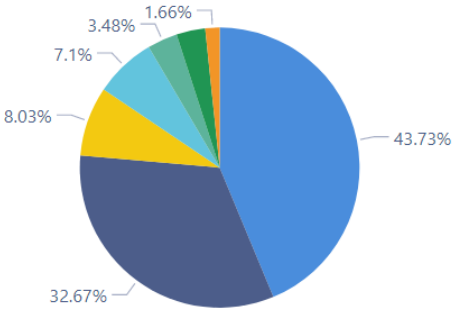


Figure C-3: Overview of articles carried by passengers 2020

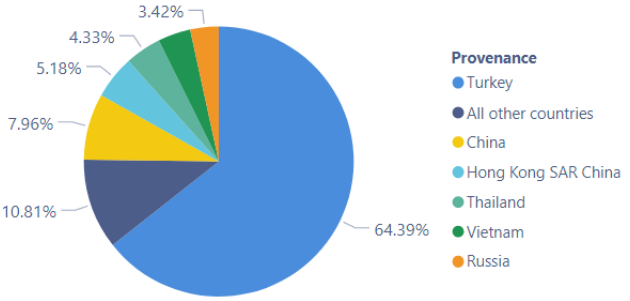


Figure C-5: Countries of provenance in percentage of value 2020

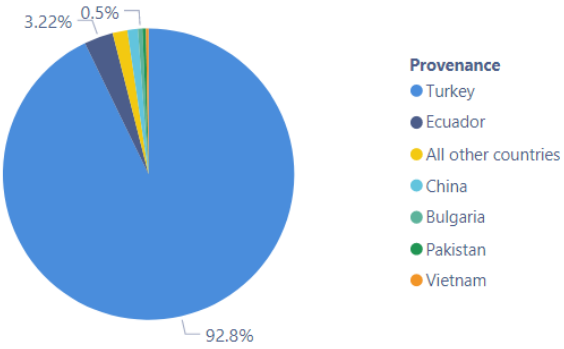
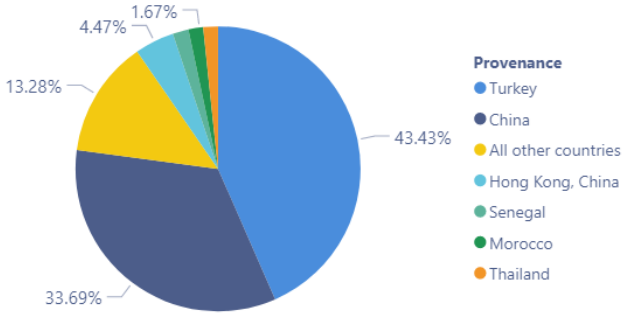


Figure C-4: Countries of provenance in percentage of articles 2020



Cases with combined released and not released suspected goods counted

Figure C-6: Countries of provenance in percentage of cases 2020

C.9. MEANS OF TRANSPORT IN RELATION TO NUMBER OF CASES, ARTICLES AND RETAIL VALUE

Year		2017		2018		2019		2020
Transport mean	Cases	%	Cases	%	Cases	%	Cases	%
Air	11 336	19.74%	8 955	12.91%	11 350	12.35%	7 061	10.21%
Express courier	6 367	11.09%	11 105	16.01%	19 798	21.55%	12 801	18.51%
Post	37 232	64.83%	46 659	67.28%	58 090	63.23%	47 030	68.01%
Rail	11	0.02%	23	0.03%	27	0.03%	37	0.05%
Road	851	1.48%	1 055	1.52%	828	0.90%	1 239	1.79%
Sea	1 636	2.85%	1 557	2.25%	1 772	1.93%	979	1.42%
Waterway					3	0.00%		

Year		2017		2018		2019		2020
Transport mean	Articles	%	Articles	%	Articles	%	Articles	%
Air	4 432 568	14.11%	2 641 023	9.88%	2 338 103	5.71%	1 968 274	7.31%
Express courier	2 770 432	8.82%	3 421 548	12.80%	1 271 052	3.10%	1 370 017	5.09%
Post	834 252	2.66%	651 592	2.44%	595 874	1.45%	783 025	2.91%
Rail	37 567	0.12%	62 911	0.24%	523 655	1.28%	917 720	3.41%
Road	3 112 771	9.91%	5 436 304	20.34%	6 613 789	16.14%	8 486 416	31.52%
Sea	20 223 113	64.38%	14 507 449	54.29%	29 121 661	71.08%	13 396 721	49.76%
Waterway					504 120	1.23%		

Year		2017		2018		2019		2020
Transport mean	Value	%	Value	%	Value	%	Value	%
Air	127 986 567 €	21.87%	91 860 197 €	12.45%	154 878 049 €	20.40%	131 663 595 €	16.93%
Express courier	118 563 739 €	20.26%	102 758 212 €	13.92%	72 666 183 €	9.57%	101 562 516 €	13.06%
Post	101 844 997 €	17.40%	76 731 771 €	10.40%	106 383 470 €	14.01%	133 567 639 €	17.18%
Rail	5 268 160 €	0.90%	1 063 991 €	0.14%	6 892 361 €	0.91%	4 965 686 €	0.64%
Road	28 544 079 €	4.88%	75 556 644 €	10.24%	30 232 142 €	3.98%	136 117 843 €	17.50%
Sea	202 962 504 €	34.68%	390 155 052 €	52.86%	387 852 510 €	51.09%	269 753 198 €	34.69%
Waterway					293 480 €	0.04%		

Table C-6: Means of transport in relation to number of cases, articles and retail value

C.10. OVERVIEW OF MEANS OF TRANSPORT

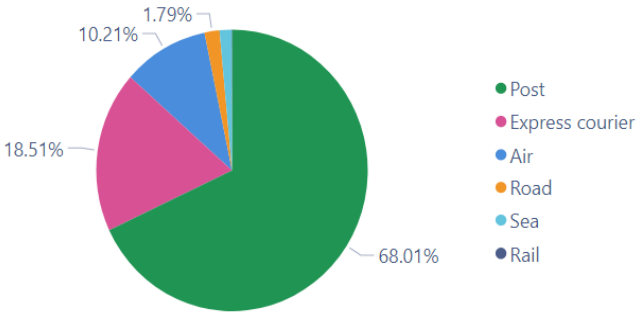


Figure C-7: Cases by means of transport 2020

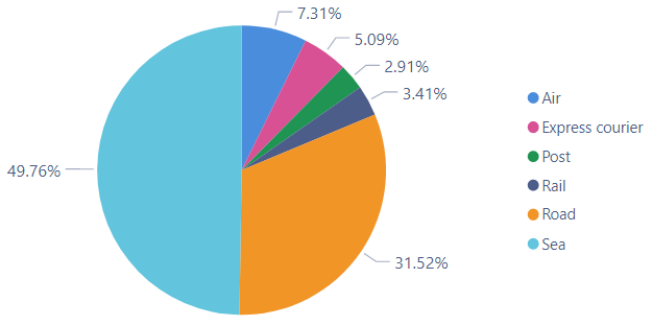


Figure C-8: Articles by means of transport 2020

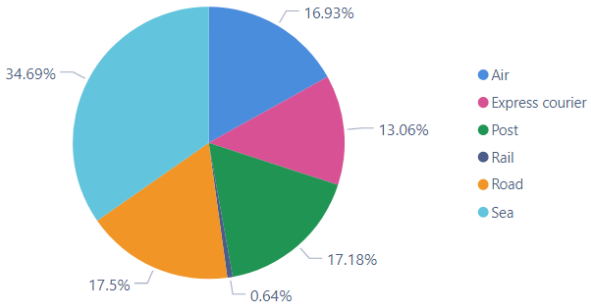


Figure C-9: Value by means of transport 2020

C.11. OVERVIEW OF POSTAL TRAFFIC

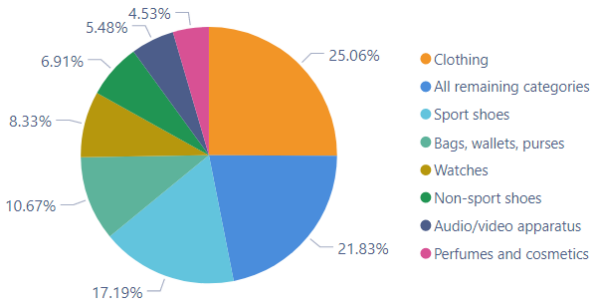


Figure C-10: Number of procedures in postal traffic 2020

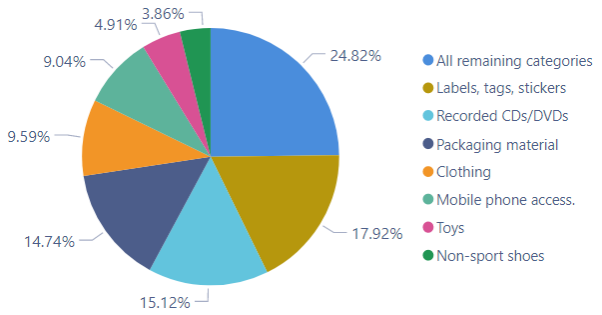


Figure C-11: Number of articles in postal traffic 2020

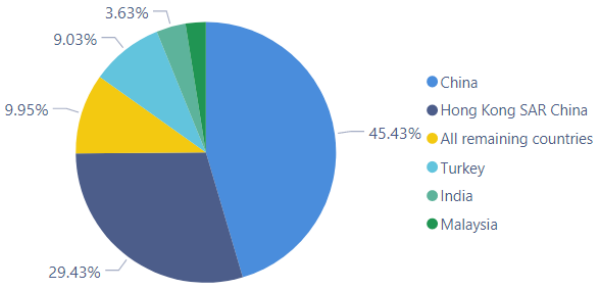


Figure C-12: Top six countries of provenance of articles in postal traffic 2020

C.12. IPR TYPE ABBREVIATION CODE

IPR Type Code	IPT Type Description
CDR	Registered Community Design
CDU	Unregistered Community Design
CGIA	Protected geographical indication
CGIL	Geographical indication listed in Agreements between the Union and third countries
CGIP	Protected geographical indication
CGIS	Geographical Indications for Spirit Drinks
CGIW	Geographical Indications for Wine
CPVR	Community Plant variety rights
CTM	Community Trademark
EUTM	European Union Trademark
ICD	International registered Design
ITM	International registered Trademark
NCPR	National Copyright and related Right
ND	Registered National Design
NGI	National Geographical Indications
NPT	Patent as provided by national law
NPVR	National Plant variety rights
NTM	National Trademark
NTN	National Trade name
NTSP	National Copyright
NUM	National Utility Models
SPCM	Supplementary Protection Certificate for Medicines
SPCP	Supplementary Protection Certificate
UPT	Patent as provided by Union law

Table C-7: IPR type abbreviation code

Annex D. Annexes to the results in EU internal market

D.1. OVERVIEW OF NUMBER OF ARTICLES DETAINED AND ESTIMATED VALUE PER MEMBER STATE

Year		2019		2020	
Country	No. of items	Estimated value	No. of items	Estimated value
Belgium	182 554	16 481 334 €	83 729	8 182 660 €
Bulgaria	3 689 599	3 621 267 €	3 248 630	2 966 456 €
Czechia	377 238	17 978 586 €	150 821	6 647 219 €
Denmark	15	12 000 €	318 129	742 410 €
Estonia	2	0 €	0	0 €
Ireland	37 496	232 165 €	23 665	519 992 €
Greece	1 350 034	110 204 558 €	8 710 733	630 401 712 €
Spain	5 005 220	141 822 652 €	1 545 453	53 228 990 €
France	1 930 893	240 925 401 €	2 099 261	103 028 368 €
Croatia	73 233	3 969 462 €	294 011	53 302 417 €
Italy	27 959 859	1 182 261 430 €	17 886 508	181 097 518 €
Cyprus	80 996	6 967 384 €	16 767	1 132 087 €
Latvia	126	27 609 €	3 125	188 098 €
Lithuania	8 016	764 967 €	1 682	468 517 €
Luxembourg			0	0 €
Hungary	588 114	27 154 141 €	8 911 127	236 147 401 €
Malta	0	0 €	11	4 214 €
Netherlands	203 288	4 133 301 €	319 404	5 555 536 €
Poland	14 963	748 150 €	28	1 400 €
Portugal	1 194 494	16 526 698 €	1 289 030	9 370 657 €
Romania	421 289	4 669 632 €	909 625	4 635 426 €
Slovenia	0	0 €	0	0 €
Slovakia	76 348	2 107 035 €	22 117	891 951 €
Finland	0	0 €		
United Kingdom (before Brexit)	1 067 922	5 879 417 €		
Total	**44 261 699**	**1 786 487 189 €**	**45 833 856**	**1 298 513 031 €**

Table D-1: Overview of number of articles detained and estimated value per Member State

D.2. BREAKDOWN PER PRODUCT SUBCATEGORY OF NUMBER OF ITEMS AND RETAIL VALUE

Year	2020	
Main category	No of items	Esimated value
01 Foodstuffs, alcoholic and other beverages	**295 878**	**2 239 382 €**
Alcoholic beverages	111 353	2 199 916 €
Foodstuffs	184 525	39 466 €
02 Body care items	**394 745**	**10 094 831 €**
Other body care items	91 416	984 042 €
Perfumes and cosmetics	303 329	9 110 789 €
03 Clothing and accessories	**11 312 019**	**778 543 285 €**
Clothing	1 469 096	75 494 390 €
Clothing accessories	9 842 923	703 048 894 €
04 Shoes including parts and accessories	**843 430**	**75 947 819 €**
Non-sport shoes	615 669	60 808 945 €
Sport shoes	227 761	15 138 874 €
05 Personal accessories	**488 032**	**134 694 421 €**
Bags, wallets, purses	207 708	59 120 805 €
Jewellery	231 337	53 200 044 €
Sunglasses	29 819	3 206 924 €
Watches	19 168	19 166 649 €
06 Mobile phones including parts and technical accessories	**343 238**	**18 684 364 €**
Mobile phone access.	270 644	11 117 080 €
Mobile phones	72 594	7 567 284 €
07 Electrical/electronic and computer equipment	**592 907**	**6 685 957 €**
Audio/video apparatus	19 142	1 808 372 €
Computer equipment	15 474	224 777 €
Memory cards/sticks	3 206	30 069 €
Other electronics	555 085	4 622 739 €
08 CD, DVD, cassette, game cartridges	**8 505 735**	**223 734 778 €**
Recorded CDs/DVDs	8 504 901	223 726 621 €
Unrecorded CDs/DVDs	834	8 157 €
09 Toys, games (including electronic game consoles) and sporting articles	**970 995**	**5 267 491 €**
Games	3 475	23 816 €
Sporting articles	10 240	441 420 €
Toys	957 280	4 802 255 €
10 Tobacco products	**783 012**	**1 403 438 €**
Cigarettes	783 012	1 403 438 €

11 Medicines	**31 993**	**172 900 €**
Medicines	31 993	172 900 €
12 Other	**20 760 482**	**40 064 576 €**
Labels, tags, stickers	3 011 391	6 026 576 €
Lighters	14 870	24 221 €
Machines/tools	630 537	7 875 687 €
Office stationery	39 522	180 868 €
Other goods	13 297 344	21 230 271 €
Packaging material	3 721 791	3 730 922 €
Textiles	31 628	763 589 €
Vehicle accessories	13 399	232 442 €
13 Furniture	**201 433**	**75 539 €**
Home furniture	768	14 311 €
Other furniture	200 665	61 228 €
15 Online counterfeit and pirate products	**306 137**	**329 842 €**
Illegal streaming/downloading	300 059	127 709 €
Online sale/offer of counterfeit products	6 078	202 133 €
16 Not Provided	**3 820**	**574 410 €**
Not provided	3 820	574 410 €
Total	**45 833 856**	**1 298 513 031 €**

Table D-2: Breakdown per product subcategory of number of items and retail value

D.3. OVERVIEW PER PRODUCT SUBCATEGORY OF NUMBER OF ARTICLES BETWEEN 2017 AND 2020

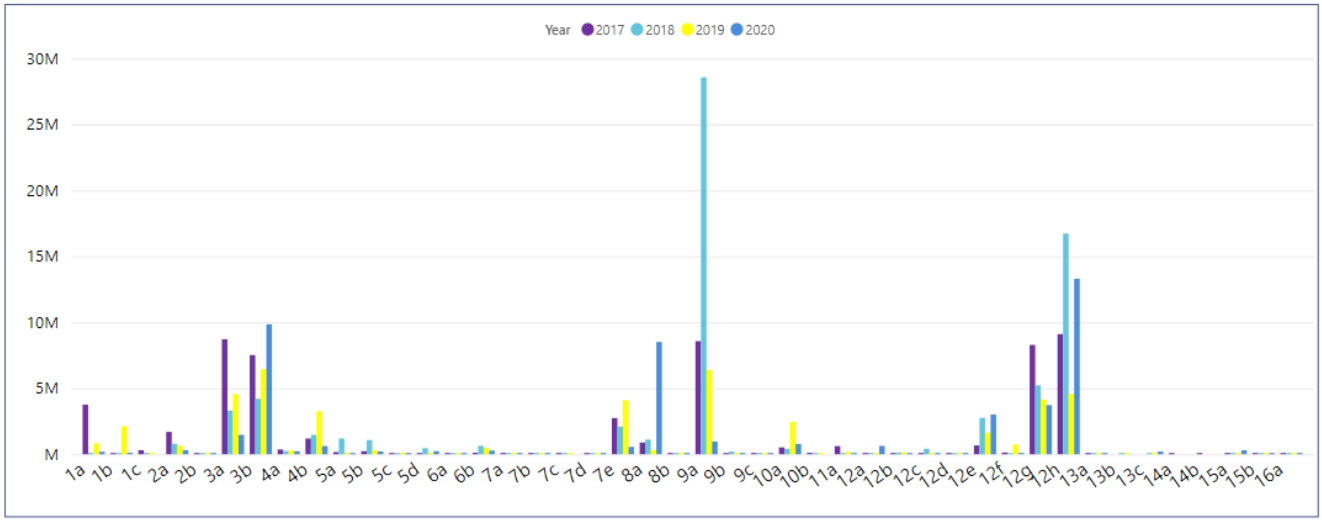


Figure D-1: Overview per product subcategory of number of articles 2017-2020

D.4. OVERVIEW PER PRODUCT SECTOR OF ESTIMATED VALUE BETWEEN 2017 AND 2020

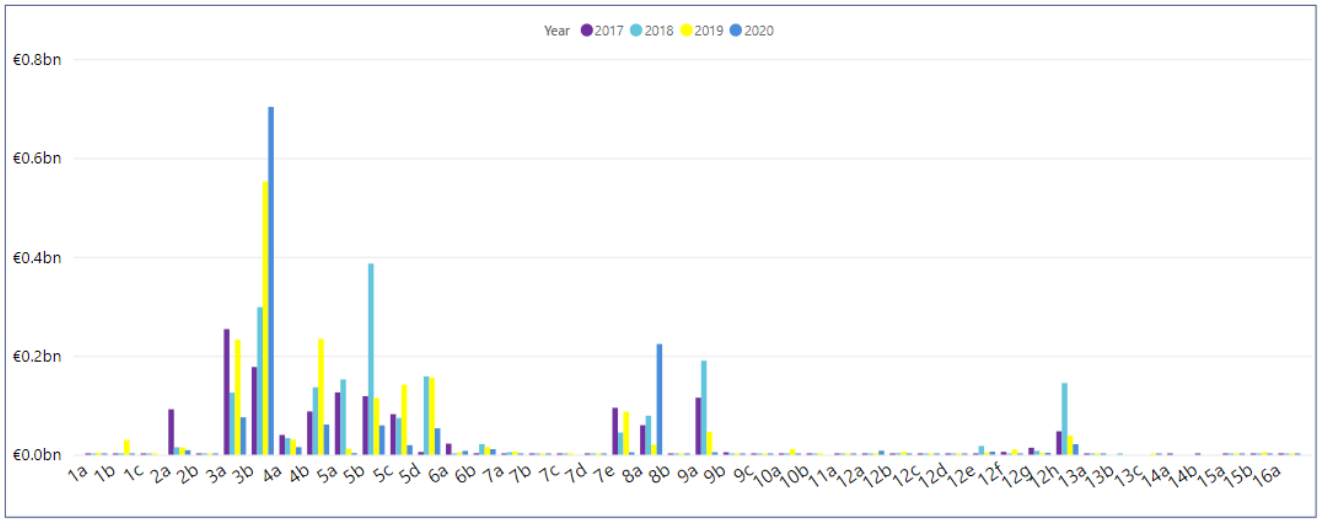


Figure D-2: Overview per product subcategory of estimated value 2017-2020

Annex E. IPR classification of products for detentions at the EU border and in the EU internal market

01 Foodstuffs, alcoholic and other beverages
02 Body care items
03 Clothing and accessories
04 Shoes, including parts and accessories
05 Personal accessories
06 Mobile phones, including parts and technical accessories
07 Electrical/electronic and computer equipment
08 CDs, DVDs, cassettes, game cartridges
09 Toys, games (including electronic game consoles) and sporting articles
10 Tobacco products
11 Medical products
12 Other

Table E-1: Categories of the IPR product classification

Category	Category Short Name
1a - foodstuffs	Foodstuffs
1b - alcoholic beverages	Alcoholic beverages
1c - other beverages	Other beverages
2a - perfumes and cosmetics	Perfumes and cosmetics
2b - other body care items	Other body care items
3a - clothing (ready to wear)	Clothing
3b - clothing accessories	Clothing accessories
4a - sport shoes	Sport shoes
4b - other shoes	Non-sport shoes
5a - sunglasses and other eye-glasses	Sunglasses
5b - bags including wallets; purses; cigarette cases and other similar goods carried in the pocket/bag	Bags, wallets, purses
5c - watches	Watches
5d - jewellery and other accessories	Jewellery
6a - mobile phones	Mobile phones
6b - parts and technical accessories for mobile phones	Mobile phone access.
7a - audio/video apparatus including technical accessories and parts	Audio/video apparatus
7b - memory cards; memory sticks	Memory cards/sticks
7c - ink cartridges and toners	Ink cartridges
7d - computer equipment (hardware) including technical accessories and parts	Computer equipment
7e - other equipment including technical accessories and parts	Other electronics
8a - recorded (music; film; software; game software)	Recorded CDs/DVDs
8b - unrecorded	Unrecorded CDs/DVDs
9a - toys	Toys
9b - games (including electronic game consoles)	Games
9c - sporting articles (including leisure articles)	Sporting articles
10a - cigarettes	Cigarettes
10b - other tobacco products	Other tobacco
11a - Medicines	Medicines
12a - machines and tools	Machines/tools
12b - vehicles including accessories and parts	Vehicle accessories
12c - office stationery	Office stationery
12d - lighters	Lighters
12e - labels; tags; stickers	Labels, tags, stickers
12f - textiles	Textiles
12g - packaging materials	Packaging material
12h - other	Other goods

Table E-2: Subcategories of the IPR product classification

Annex F. Additional classification of products for detentions in EU internal market

13 Furniture
14 Construction materials and machinery
15 Online counterfeit and pirate products
16 Not Provided

Table F-1: Additional categories of the IPR product classification

13a - Private residence furniture	Home furniture
13b - Office furniture	Office furniture
13c - Other furniture	Other furniture
14a - Construction materials	Construction materials
14b - Construction machinery	Construction machinery
15a - illegal streaming/downloading	Illegal
15b - Online - sale/offer of counterfeit products	Online sale/offer of counterfeit products
16a - not provided	Not provided

Table F-2: Additional subcategories of the IPR product classification

Annex G. Methodological notes for comparing detentions at the EU border with detentions in EU internal market

In order to analyse the differences between the types of subcategories of goods most detained in a certain year N at the EU border and in the EU internal market, the comparison is based on the share that the detentions of a certain type of products, i, represented, both in terms of number of items and value, as a fraction of the total detentions of all types of goods in that year.

That share may show the discrepancies between the type of products detained at the EU border and in the EU internal market in year N.

However, to make the comparison appropriate, it is important to choose a subset of Member States in which there is a solid availability of data on detentions both at the EU border and in the EU internal market. Since the data on detentions at the EU border are available systematically for all Member States (see section B.1 of Annex B), the solidity of the set of countries to be chosen is determined by the availability of data on detentions in the EU internal market during that year (see section B.2.1 of Annex B). On the basis of that availability, the analysis described here has to be restricted to the selected subset.

For instance, the share, in terms of quantity of items, of detentions in year N at the EU border of the goods of subcategory i for the selected subset being:

$$QShare_i^{EUborder}$$

(e.g. in 2019 $QShare_{cigarettes}^{EUborder} = 15.92\%$)

The share, in terms of quantity of items, of detentions in year N in the EU internal market of the goods of subcategory i for the selected subset being:

$$QShare_i^{EUintmark}$$

(e.g. in 2019 $QShare_{cigarettes}^{EUintmark} = 3.37\%$)

The delta between the share, in terms of quantity of items, at the EU border and the share in the EU internal market during year N is defined as the difference between the two, taking 'at the EU border' as the minuend:

$$\Delta QShare_i = QShare_i^{EUborder} - QShare_i^{EUintmark}$$

(e.g. during 2019. $\Delta QShare_{cigarettes} = 15.92\% - 3.37\% = 12.55\%$)

High positive values of $\Delta\mathrm{QShare_i}$ imply that the detentions of goods of subcategory i are, during the year at stake and in the selected subset of Member States, proportionally much more voluminous, in terms of quantity of items, at the EU border than in the EU internal market, whereas high negative values of $\Delta\mathrm{QShare_i}$ imply that the detentions of goods of subcategory i are, in the same year, proportionally much more voluminous, in terms of quantity of items, in the EU internal market than at the EU border, again in the selected subset.

Analogously, the share, in terms of estimated value, of detentions in year N at the EU border of the goods of subcategory i for the selected subset being:

$$VShare_i^{EUborder}$$

(e.g. in 2019 $VShare_{clothing}^{EUborder} = 24.51\%$)

The share, in terms of estimated value, of detentions in year N in EU internal market of the goods of subcategory i for the selected subset being:

$$VShare_i^{EUintmark}$$

(e.g. in 2019 $VShare_{clothing}^{EUintmark} = 10.74\%$)

The delta between the share, in terms of estimated value, at the EU border and in the EU internal market during year N is defined as the difference between the two, taking 'at the EU border' as the minuend:

$$\Delta VShare_i = VShare_i^{EUborder} - VShare_i^{EUintmark}$$

(e.g. during 2019 $\Delta VShare_{clothing} = 24.51\% - 10.74\% = 13.77\%$)

High positive values of $\Delta\mathrm{VShare_i}$ imply that the detentions of goods of subcategory i are, in the year at stake and in the selected subset of Member States, proportionally much more voluminous, in terms of estimated value, at the EU border than in the EU internal market, whereas high negative

values of $\Delta \mathrm{QShare}_i$ imply that the detentions of goods of subcategory i are proportionally much more voluminous, in terms of value, in the EU internal market than at the EU border, again in the selected subset and year.

EU enforcement of intellectual property rights:
results at the EU border and in the EU internal market 2020

ISBN 978-92-9156-304-3

European Commission

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