



## Hamisítás Elleni Nemzeti Testület

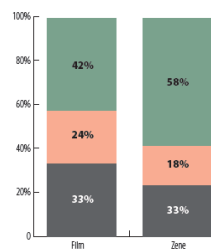
National Board Against Counterfeiting

# ACTION PLAN AGAINST COUNTERFEITING

## 2011-2015



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Készült a Hamisítás Elleni Nemzeti Testület megbízásából.





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## Background

A comprehensive strategy and action plan against counterfeiting<sup>1</sup> was adopted in Hungary for the first time in 2008 in an effort to combat black economy. The action plan attached to the National Strategy against Counterfeiting was drawn up for the years 2008 to 2010 and adopted by Government Decision No. 2140/2008. (X. 15.). The action plan defined 27 measures based on cooperation between state organs having competence regarding intellectual property and industrial and professional interest-representing organizations representing IP right holders, and its implementation was coordinated by the National Board Against Counterfeiting (NBAC) established in 2008. The 27 measures were grouped into three strategic pillars: **the statistical pillar**, where the measures aimed at collecting statistical data regarding counterfeiting-related infringements, working out of the methodology for statistical data collection and evaluation, as well as setting out procedures for determining the economic consequences of counterfeiting. **The awareness-raising pillar** included measures of awareness-raising connected to the protection of intellectual property and enforcement. **The enforcement pillar's objective** was to review the enforcement-related legal regulatory environment, the issues of the application of law, and the measures and tools to assist right holders, as well as the initiation of required amendments, new tools and measures. Apart from the above three pillars, the **food industry**, the **industry of medical products**, the **industry of pesticides as well as the creative and IT industries** were given special attention in the strategy.

The NBAC released yearly reports on the implementation of the 2008-2010 National Strategy against Counterfeiting and the related Action Plan on the activities against counterfeiting and the results of these activities. It also released publications (NBAC brochures 1, 2) on the analyses and activities related to methodology and data collection performed within the statistical pillar.<sup>2</sup>

The necessity of further strengthening the coordinated action against counterfeiting was confirmed by the experience of the implementation of the National Strategy against Counterfeiting for the years 2008-2010, the scale of intellectual property infringements and the serious consequences thereof striking market operators, consumers and the economy, as well as the new forms of infringements, with special regard to the difficulties and challenges of the enforcement of intellectual property rights in the digital environment. The endeavour is also in accordance with international and European Union endeavors and initiatives

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<sup>1</sup> For the purposes of this Action Plan 'counterfeiting' means all forms of intellectual property infringements, i.e. any form of copyright or industrial property right infringement regardless whether a civil wrong or criminal offence has occurred.

<sup>2</sup> The NBAC yearly reports for the years 2009 and 2010 and the NBAC brochures can be downloaded from the website of the NBAC: <http://www.hamisitasellen.hu/hu/letoltheto-anyagok>



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encouraging and serving the strengthening and improving of the protection of intellectual property rights and their enforcement.

As a result of the above conclusion and in order to protect fair competition in the market, honest entrepreneurs and the safety and health of consumers, the Government renewed the National Board Against Counterfeiting as of 1 January 2011: point *e*) of Article 115/K of Act XXXIII of 1995 on the Protection of Inventions by Patents lays down that the National Board Against Counterfeiting shall be operated by the Hungarian Intellectual Property Office by virtue of a separate legal instrument. The tasks and operating procedures of the Board are governed by **Government Decree No. 287/2010. (XII. 16.) on the National Board Against Counterfeiting**. According to the Decree, the primary function of the Board is to develop a national strategy against counterfeiting and related action plans, as well as to coordinate their implementation. The re-constituted Board, consisting of public administration organs, of professional and interest-representing organizations operating in the field of IP protection and of professional interest-representing organizations representing IP right holders, decided at its meeting on 23 March 2011 to elaborate a medium-term action plan in 2011 aimed at the reduction of the supply and demand side of counterfeiting.

## Objectives

The purpose of the Action Plan is to **reduce the demand and supply side of counterfeiting**, including in particular the following objectives:

- there should be a significant decrease in the number of IPR infringements in Hungary; holders of intellectual property rights should take action more consciously and more effectively, appropriately using all tools at their disposal for the enforcement of their IP rights;
- the system of available tools against infringements should be improved;
- cooperation between state organs competent for action against counterfeiting should be improved;
- public awareness with respect to the importance of IPR protection and to the consequences of counterfeiting should be increased;
- a true, accurate and methodologically well-funded study should be presented on the scale and characteristics of IPR infringements in Hungary.

Advantages of the implementation of the Action Plan:

By decreasing the supply of and demand for counterfeit products it

- ensures better protection of consumers;
- reduces the proportion of black economy which results in an increase of budget revenues, helps push jobs from the grey zone into the formal sector and prevents the returning of illegal revenues from counterfeiting into other criminal activities;



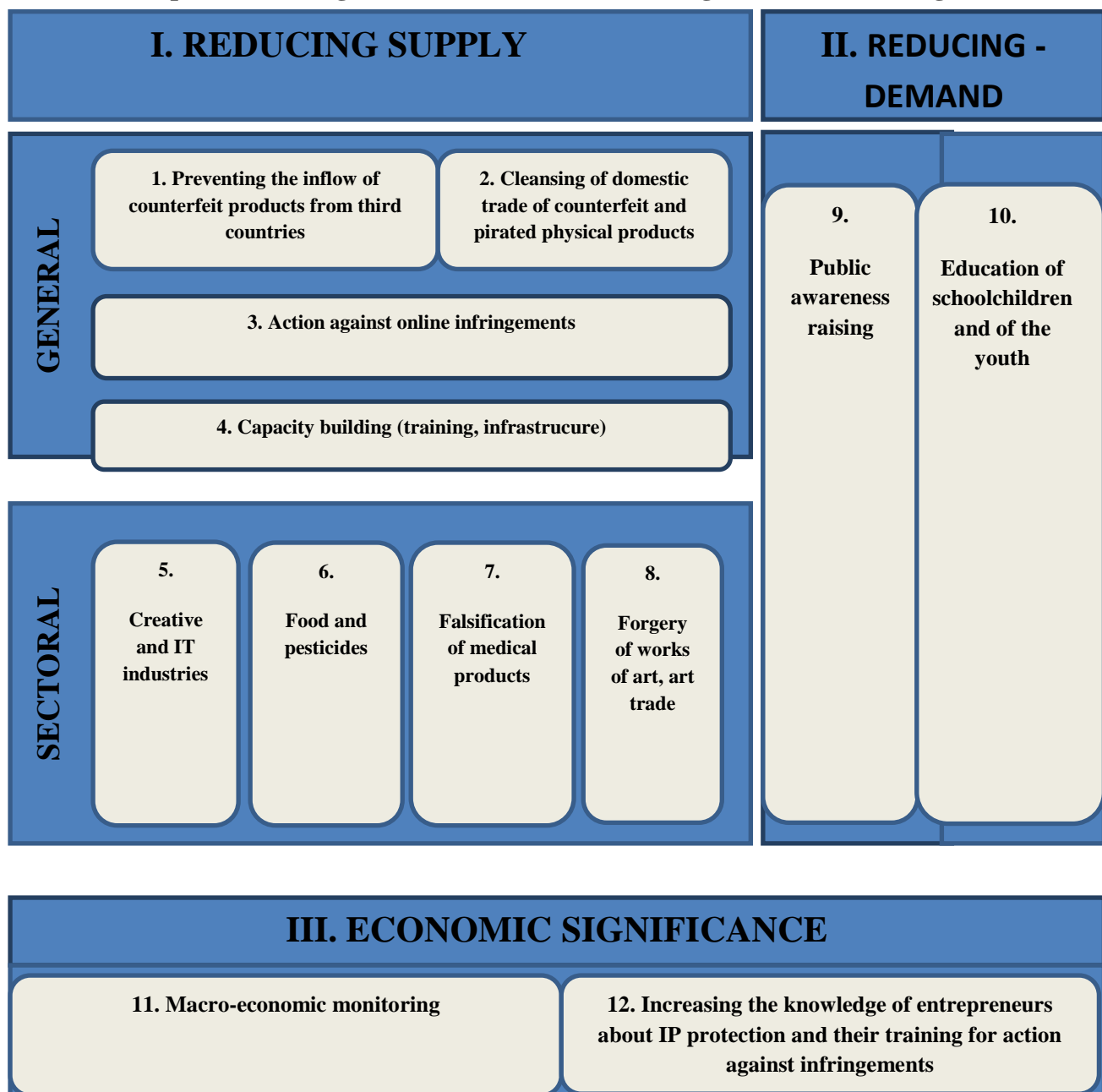
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- furthers an increase in the legal distribution of works and products under IPR protection;
- stimulates authors and inventors who create works and technical products likely to be eligible for IPR protection, promotes innovation and the strengthening of the cultural industry;
- encourages the inflow of foreign direct investment, strengthens the trust of investors and contributes towards a favourable international opinion about Hungary in the field of enforcement.

## Strategic directions (pillars) of the Action Plan

This Action Plan against Counterfeiting for the years 2011-2015 defines 12 targeted fields grouped under three main pillars in order to increase the effectiveness of the fight against counterfeiting.

### Outline of the pillars and targeted fields of the Action Plan against Counterfeiting



## Pillar One: Reducing supply

### More effective enforcement! – Decreasing the physical and online supply of counterfeit and pirated products

Justification of the measures of the pillar:

For the protection of consumers, counterfeit **products of inferior quality** as well as products directly threatening the health of consumers (in particular adulterated foodstuffs, falsified medicines and cosmetics) **have to be eliminated** in each phase of the production and distribution chain **from the national market and trade**. Due to increased Internet penetration and the progressive expansion of e-commerce, special attention has to be paid to the forms of online distribution of counterfeit products.

It is the IPR holders' fundamental economic interest and a critical factor of their operation, sustainable presence ('their survival') and development in the market that their investments spent on the creation of intellectual property may give returns in clean, transparent and well-functioning markets and that they be able to avoid the sharing of the market with persons illegitimately using, utilizing or exploiting IPRs.

Economic operators may reasonably expect that there should be an **effective regulatory environment and that enforcement bodies should take fast and professional action and conduct fast and professional proceedings** in every type of enforcement action, independently of whether civil, criminal or customs law is involved. The balanced and appropriate use of different enforcement tools by the right holders is important, in particular to ensure that criminal law instruments are applied only as a last resort ('ultima ratio'). In the course of the regulation and application of enforcement instruments, the public interest and fundamental rights have to be fully respected: it should be guaranteed that enforcement measures and resources spent thereon are proportionate and transparent, as well as that there is the possibility of legal remedy.

In order to ensure an **appropriate environment for the starting and operation of lawful domestic online content services** it is essential to combat massive online copyright infringements that have a detrimental effect on creative industries and to take decisive action against perpetrators operating on a commercial scale. The incentives of taking advantage of the black market may be reduced by supporting the starting of well-functioning lawful content services that satisfy consumers' demand. The protection and support of lawfully operating service providers and producers by the consistent and effective combating of IPR infringements would result in favourable **changes in sentiment** among investors **towards our country**.

Targeted fields in this pillar:

The targeted fields in the first action plan pillar which is aimed at increasing the effectiveness of enforcement are intended to decrease the supply of products infringing IPRs. They include **the reduction of the flow of counterfeit goods coming from third countries** (1<sup>st</sup> targeted field) as well as the **filtering out of counterfeit products produced domestically or distributed in trade in the internal market of the European Union** (2<sup>nd</sup> targeted field). Beyond the traditional channels of distribution, IPR infringements tend to occur and move online. The overwhelming majority of copyright infringements are committed on the Internet and more and more counterfeit goods infringing industrial property rights are offered online. This justifies the particularly effective use of **instruments against infringements committed on the Internet** as well as their revision to the necessary extent (3<sup>rd</sup> targeted field).

The action plan attaches special importance to the **capacity building and IP protection training** of enforcement bodies (4<sup>th</sup> targeted field), since besides the conscious and effective actions of right holders, the preparedness of the state organs involved in enforcement is the key to effective enforcement.

Action against the counterfeiting of certain products or intellectual goods is of special interest in the fields of public health, the national economy or cultural policy. Thus, due to the economic importance of the industry and the massive number of infringements, the following areas are identified as special targeted fields: **actions against infringements detrimental to creative industries** (5<sup>th</sup> targeted field), **actions against the adulteration of foodstuffs** which endangers public health and misleads consumers (6<sup>th</sup> targeted field), **actions against falsified medical products which** directly threaten the health of the population (7<sup>th</sup> targeted field), as well as **actions against art forgery** committed against the objects of cultural heritage (8<sup>th</sup> targeted field).

## **Pillar two: Reducing demand**

### **More informed consumers and Internet users! – Decreasing demand for counterfeit and pirated goods**

Justification of the measures of the pillar:

One can only achieve results in decreasing the number of IP infringements if, together with making enforcement tools stricter, the demand side can be weakened as well. Priority should therefore be given to prevention, to informing the public about the importance of IP protection as well as about the consequences of infringements. Communication tools and strategies should be chosen according to the nature of goods or types of intellectual property affected by infringements. Thus, different kind of information needs to be given in relation to counterfeit products recognizable by reasonably informed consumers (for example high-price category



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products available at atypical places for low prices), to infringements resulting in misleading consumers (counterfeiting of articles of daily use), to infringements relating to products threatening the health or safety of consumers (for example counterfeit medicines or adulterated foodstuffs) and to other infringements affecting the creative and IT industries.

In order to understand the consequences and effects of counterfeiting and piracy it is necessary to provide basic information to the public on IP protection; exact and easily accessible information should also be given about what is legal and what is illegal.

IP education and awareness-raising should begin already at an early age. For today's generations which are making intensive use of the Internet, **unlawful conduct has become or is becoming general in the course of their daily content usage, knowledge acquisition and entertainment**. They should be redirected towards lawful use by being provided with basic copyright knowledge and information, enhancing thereby the possibilities for growth and development of lawfully operating service providers.

Every survey conducted by the NBAC among the population shows that it is the young generation that is the most open to buying counterfeit products and cares the least about the origin of products or goods representing intellectual value. These phenomena necessitate urgent steps to educate and inform the younger generations. This should, on the one hand, cover the differentiation of legal and illegal behaviours and the societal and economic impact and dangers of such infringements. On the other hand, education and information should focus even more on the value, advantages and benefits of creative work, as well as the rights of authors and creators. In the long run, this may enable young persons to become conscious consumers and economic operators able to handle wisely their intellectual values and products.

Besides the initiatives aimed at reducing the general ignorance on IP protection, it is also necessary to acquire a thorough knowledge of the motifs and regularities that led or are leading to the use and consumption of illegally disseminated contents or of infringing products. The motifs and regularities that led or are leading to the emergence and acceptance of alternative forms of exchange and use of intellectual goods in the online community space also deserve careful attention.

Targeted fields in this pillar:

On the one hand, the targeted fields in the second pillar of the action plan comprise the tools for providing **general information to the public** together with the continuation and expansion of surveys already used in examining attitudes (9<sup>th</sup> targeted field). On the other hand, they list the tools for transferring knowledge on IP protection to the **young generation** within the education system as well as in any other ways (10<sup>th</sup> targeted field).





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## Pillar three: Economic importance

### The economic importance of the fight against counterfeiting, assisting enterprises in enforcement

Justification of the measures of the pillar:

In order to supply data for the first two pillars and to review the effectiveness of the implemented measures it is necessary to have reliable statistical data available on the scale, characteristics, distribution by industries and the socio-economic effects of IPR infringements in Hungary. To be able to gauge the impact of black markets on lawfully operating economic players, data about the illegal distribution of intellectual goods should be analyzed together with data about the legal markets for such goods.

At present only official judicial statistics and data of consumer surveys are available, but polls and estimates for the different industries indicating the level of infection with counterfeit goods are missing. Therefore it is indispensable to continue our active involvement with the relevant activity of the European Observatory on Counterfeiting and Piracy, as well as to make further progress on the enumeration and statistical methodology tasks laid down in the first NBAC strategy. It is also necessary to call the attention of operators in each industry to the economic importance of IP protection, to the promotion of a culture of compliance and to the tools for action against infringements as well as to foster their IP protection enforcement activities.

The targeted fields of the pillar:

The third pillar of the Action Plan focuses on the economic importance of the enforcement of IP protection, including the **measuring** and analyzing **of the scale and macro-economic effects of counterfeiting** in order to obtain well-funded data for the decisions of government actors and of economic operators (11<sup>th</sup> targeted field); it also focuses on such **tools** as are appropriate for **supporting** the anti-counterfeiting action of **economic operators** (12<sup>th</sup> targeted field).



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## Actions<sup>3</sup>

### I. Reducing supply (1., 2., 3., 4., 5., 6., 7., 8.)

More effective enforcement! – Decreasing the supply of counterfeit and pirated products

#### General (1., 2., 3., 4.)

First targeted field	Preventing the inflow of counterfeit goods from third countries
Tools/ Steps	<p>The popularisation of the application of the procedures under Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (and the regulation currently under negotiation to replace it) and the working out of their practice, and to that end</p> <ul style="list-style-type: none"><li>• making the number of customs control actions an indicator;</li><li>• providing trainings for customs officials on taking measures against suspected IP infringing goods based on applications from right holders under the EU regulation;</li><li>• informing right holders about the possible measures against suspected IP infringing goods under the EU regulation and motivating them to the use of and participation in such proceedings;</li><li>• tackling problems in legal practice, assessing infrastructural needs, working out proposals for optimal solutions, in particular for storing goods in warehouses, destroying or reutilizing them, and for the procedure relating to goods in transit as well as for the handling (via post, DHL) of consignments of negligible value.</li></ul>
Advantage	<p>With the more frequent and more effective application of simplified procedures the duration of proceedings in connection with IPR infringements drops significantly (infringing goods may be destroyed even within 10+10 days). This is cost-effective both for the State and for right holders, so the use of these procedures is preferable whenever possible. They protect consumers from inferior and dangerous products coming from third countries.</p>
Indicator	<ul style="list-style-type: none"><li>• The yearly report of the Directorate-General Taxation and Customs Union (DG TAXUD) of the European Commission on IPR infringement related seizures at the borders of the European Union (according to 2010 data regarding case numbers Hungary is ranking fifth among Member States whereas regarding the quantity of seized goods the country is ranking 18th).</li></ul>

<sup>3</sup> Since the formulation of the action plan, the following name changes have occurred:

- As of 15.03.2012 the Central Agricultural Office has become the National Food Chain Safety Office;
- As of 14. 05. 2012 the Ministry of National Resources has become the Ministry of Human Resources;
- As of 5. 06.2012 the European Observatory on Counterfeiting and Piracy has become the European Observatory on Infringements of Intellectual Property Rights.



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	<ul style="list-style-type: none"> <li>The number of applications for customs measures filed with the Hungarian customs authorities (in 2011 it amounted to 607).</li> </ul>		
Objective	<ul style="list-style-type: none"> <li>By means of more effective enforcement increasing the number of requests for customs authority measures as well as the proportion of destroyed goods within the framework of the simplified procedure;</li> <li>Maintaining or improving our position in comparison with other EU countries and in international comparison (Hungary should again not be put on the watch list of the Office of the United States Trade Representative).</li> </ul>		
Contributors	<table border="1"> <tr> <td>National Tax and Customs Administration Hungarian Intellectual Property Office</td> <td>Interest representing organizations of right holders</td> </tr> </table>	National Tax and Customs Administration Hungarian Intellectual Property Office	Interest representing organizations of right holders
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<b>Second targeted field</b>	<b>The cleansing of domestic trade from counterfeit and pirated physical products</b>
Tools/ Steps	<ul style="list-style-type: none"> <li>Analysis of the proceedings of authorities competent to take action against counterfeiting, promoting their cooperation and exchange of information between them, appointment of IP protection coordinators;</li> <li>Coordination of the control activities of public authorities regarding territory and timing; participation in international actions;</li> <li>Making controls by the authorities regular and obligatory, in particular for important (sports, cultural and commercial) events, setting up of special IP protection units for these actions;</li> <li>Development of more effective communication with right holders in the course of official proceedings;</li> <li>Making proposals to ensure the more effective application of civil law enforcement and the more effective execution of judicial decisions; making proposals to accelerate civil law judicial proceedings, as well as to further the meeting of legal deadlines prescribed for ordering certain measures;</li> <li>Making proposals for the more effective application of criminal law enforcement – using as a point of departure the proposals laid down in the research study of the National Institute of Criminology;</li> <li>Methodological support for the data collection of enforcement authorities, proposals for improving such data collection – using as a point of departure the proposals laid down in the research study of the National Institute of Criminology;</li> <li>Review and improvement of the tools for action against parasitic copying;</li> <li>Regular collection of enforcement related statistical data from the custodian authorities, analysis of the trends, assessment of the data and publication of an annual data inventory;</li> <li>Regular and continuous publication of reports of successful actions by the authorities and of judicial sentences convicting perpetrators of IPR infringements.</li> </ul>
Advantage	It has a deterrent effect on perpetrators, helps push jobs from the informal into the formal sector, cleans the market and protects consumers from counterfeit and



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	dangerous products.	
Indicator	The number of controls conducted and actions undertaken by the authorities, the quantity and value of seized counterfeit products as a result of the controls and actions, and the number of proceedings instituted and successfully terminated on the basis of said controls and actions.	
Objectives	<ul style="list-style-type: none"> <li>• Decreasing the number of commercially available counterfeit and pirated products;</li> <li>• Increasing the number of targeted actions by the authorities;</li> <li>• Strengthening cooperation, communication and exchange of experience between the authorities in the field of IPR infringements;</li> <li>• Maintaining or improving the position of Hungary in international ranking (the country should not again be put on the USTR watch list).</li> </ul>	
Contributors	National Tax and Customs Administration Hungarian National Police Headquarters Hungarian Authority for Consumer Protection Central Agricultural Office Prosecution services Courts Hungarian Intellectual Property Office	Interest representing organizations of right holders

Third targeted field	Action against online infringements
Tools/ Steps	<ul style="list-style-type: none"> <li>• Examining the obstacles and difficulties of civil law enforcement, proposals for eliminating them;</li> <li>• Making enforcement more effective against intermediary service providers in the case of IPR infringements;</li> <li>• Reviewing the legal practice relating to content providers;</li> <li>• Using the possibilities for the notice and take down procedure offered by Section 13 of Act CVIII of 2001 on Certain Aspects of Electronic Commerce and Information Society Services (Act on E-Commerce) for effective enforcement, examining current practice and eliminating possible anomalies;</li> <li>• Encouraging cooperation between right holders and intermediary service providers;</li> <li>• Developing ways to identify, monitor and sanction websites offering infringing products with the participation of industry representatives affected by the infringements;</li> <li>• Facilitating the execution of measures by the authorities to document the online selling or distribution of infringing products ('test purchase', 'test downloading') by means of improving legal and technical conditions;</li> <li>• Eliminating the anomalies of criminal procedures related to online forms of</li> </ul>



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	<p>criminal conduct (necessity of expertise, difficulties of identifying right holders, methodological work on defining material damage – using as a point of departure the proposals laid down in the research study of the National Institute of Criminology);</p> <ul style="list-style-type: none"> <li>• Data collection and analysis regarding business done at informal domestic online content markets, as well as on the share of counterfeit products in online trade; estimation of the value and impact of the black market;</li> <li>• Examining the tools and methods used abroad in the fight against online infringements, promoting international cooperation.</li> </ul>														
Advantages	The cleansing of Internet trade from infringing products contributes to the growth of lawfully operating distributors and providers, to increasing trust in e-commerce, to improving the protection of consumers in the course of their purchases on the Internet, and to the development of a functioning and legal online market of creative contents.														
Indicators	<ul style="list-style-type: none"> <li>• Number of actions by right holders and enforcement authorities against online infringements</li> <li>• Number of available illegal services and number of people using them</li> </ul>														
Objectives	Creating effective tools for action against online infringements; reducing the number of websites offering infringing products/contents.														
Contributors	<table border="0"> <tr> <td>National Tax and Customs Administration</td> <td>Council of Hungarian Internet Providers</td> </tr> <tr> <td>Hungarian National Police Headquarters</td> <td>Hungarian Association of Content Industry</td> </tr> <tr> <td>Hungarian Authority for Consumer Protection</td> <td>Hungarian Association of IT Companies</td> </tr> <tr> <td>National Media and Infocommunications Authority</td> <td>Association of Hungarian Content Providers</td> </tr> <tr> <td>Ministry of National Development</td> <td>Other professional organizations concerned</td> </tr> <tr> <td>Ministry of National Resources</td> <td>Interest representing organizations of right holders</td> </tr> <tr> <td>Hungarian Intellectual Property Office</td> <td></td> </tr> </table>	National Tax and Customs Administration	Council of Hungarian Internet Providers	Hungarian National Police Headquarters	Hungarian Association of Content Industry	Hungarian Authority for Consumer Protection	Hungarian Association of IT Companies	National Media and Infocommunications Authority	Association of Hungarian Content Providers	Ministry of National Development	Other professional organizations concerned	Ministry of National Resources	Interest representing organizations of right holders	Hungarian Intellectual Property Office	
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<b>Fourth targeted field</b>	<b>Capacity building – Improving the preparedness of enforcement organs, their training and further training; enhancing their cooperation</b>
Tools/ Steps	<ul style="list-style-type: none"> <li>• Institutionalisation of trainings for enforcers (especially in the field of forensic science and, with regard to online offences, in the IT field), compilation of training themes, development of guidelines for proceedings;</li> <li>• Regular IP protection training for future enforcement professionals;</li> <li>• Organization of conferences and other events for enforcement organs so that they can exchange experience and discuss legal practice;</li> <li>• Training of judicial experts and bailiffs in connection with IP infringements;</li> <li>• Creation of an online platform to assist enforcers in IP protection cases.</li> </ul>
Advantages	Professionally better preparation of enforcement officials contributes to the unification of legal practice, to better enforcement and to the shortening of the duration of proceedings.
Indicators	Number of trainings organized for enforcement bodies, number of officials participating in the trainings; the duration and costs of the proceedings,



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Objectives	<ul style="list-style-type: none"> <li>• Setting up regular IP protection trainings for all enforcement bodies; effective professional support for enforcement by the authorities;</li> <li>• Strengthening cooperation, communication and exchange of information between the authorities in the field of IPR infringements.</li> </ul>	
Contributors	<p>National Tax and Customs Administration Hungarian National Police Headquarters Hungarian Authority for Consumer Protection National Institute for Quality- and Organizational Development in Healthcare and Medicines Courts Prosecution services Hungarian Intellectual Property Office</p>	<p>Interest representing organizations of right holders</p>

### **Emphasised, special groups of products (5., 6., 7., 8.)**

<b>Fifth targeted field</b>	<b>Measures against infringements affecting the creative industries</b>	
Tools/ Steps	<ul style="list-style-type: none"> <li>• Providing enhanced protection for the creative industries most affected by the black market (music, film, software, publishing of books), both against physical copying and against online infringements, by the use of concentrated enforcement tools;</li> <li>• Organizing regular consultations and professional events for different operators of the media market, so for example dialogues between right holders and users, with special regard to the examination of new business models (brought about by the spread of the Internet) from the point of view of copyright law;</li> <li>• Encouraging the development of new business models in the field of book publishing (especially school book publishing), of the music and entertainment market and of the film distribution;</li> <li>• Raising awareness among enforcers, employers and consumers about the economic and societal importance of creative industries;</li> <li>• Examining tools and methods employed abroad, exploring the possibilities of their adaptation in Hungary;</li> <li>• Developing a tool-kit to enable domestic online intermediaries to increase their competitiveness;</li> <li>• Developing a tool-kit to stimulate domestic creative production;</li> <li>• Increasing the role of public domain and other freely accessible contents in domestic creative industries;</li> <li>• Developing successful business strategies which would result in the decline of the black market;</li> <li>• Mitigating problems caused by the black market by developing a set of non-legal tools.</li> </ul>	



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<b>Advantages</b>	Business models that take into consideration and react to developments in the black market are less vulnerable to the quantity of infringements, and can perhaps even turn to their advantage the existence of black markets: such models contribute to the development of legal markets and at the same time reduce the attraction of the black markets. The existence of a strong, innovative online market, consisting of mainly domestic enterprises, is a necessary condition to prevent that the profits of the online cultural market in Hungary flow to big, global actors.	
<b>Indicators</b>	<ul style="list-style-type: none"> <li>• The number of users not served by lawfully operating service providers on the market</li> <li>• The number and turnover of lawfully operating service providers</li> <li>• The market share of domestic providers</li> <li>• The contribution of creative industries to GDP and employment</li> </ul>	
<b>Objectives</b>	Maintaining or increasing the economic weight of creative industries in Hungary; facilitating the dialogue between different actors of the media market; the growth of legal online content services; redirecting consumers from illegal services to legal channels; continuously maintaining a rich, varied and affordable cultural offer.	
<b>Contributors</b>	National Media and Infocommunications Authority Ministry of National Development Ministry of National Resources Hungarian Intellectual Property Office	Content industry organizations Council of Hungarian Internet Providers Hungarian Association of Content Industry Hungarian Association of IT Companies Association of Hungarian Content Providers Other professional organizations concerned Interest representing organizations of right holders

<b>Sixth targeted field</b>	<b>Action against adulteration of foodstuffs and counterfeit pesticides</b>	
<b>Tools/Steps</b>	<p>Foodstuffs</p> <ul style="list-style-type: none"> <li>• Review of the legislative provisions to ensure effective intervention by the authorities against the adulteration of foodstuffs, and if necessary, amendments to the said provisions;</li> <li>• Monitoring the legal practice related to the use of geographical indications;</li> <li>• Promoting cooperation and exchange of experience between the authorities competent in the fight against the adulteration of foodstuffs, organizing consultations and other events to this end;</li> <li>• Public awareness-raising with the help of the public media and other forms of disseminating information, as well as through education in schools;</li> <li>• Defining the notion of adulteration of foodstuffs and developing the relevant system of sanctions;</li> </ul> <p>Pesticides and seeds</p> <ul style="list-style-type: none"> <li>• Reviewing the legislative framework, especially regarding sanctions and the introduction of an identifier serving the purposes of traceability and the</li> </ul>	



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	<p>certification of authenticity;</p> <ul style="list-style-type: none"> <li>• Joint control actions with the cooperation of several authorities, coordination of the control activities of public authorities regarding territory and timing (especially in the period of early spring), improving communications between authorities, active participation in domestic and international actions of authorities;</li> <li>• Exchange of information regarding controls conducted in the course of the fight against the counterfeiting of pesticides, and organizing professional events and consultations to this end;</li> <li>• Special trainings and the preparation of guidelines for manufacturers and distributors to enhance the effectiveness of their action against counterfeiting;</li> <li>• Informing producers about the dangers of using counterfeit pesticides;</li> <li>• Stimulating action against web pages illegally offering pesticides on the Internet;</li> <li>• Development of tools necessary for laboratory tests;</li> </ul>	
Advantages	<p>More effective action against the distribution of foodstuffs under trademark protection or under protection of origin which were adulterated or which are labelled with false information, increasing thereby the market share of genuine and high quality products. Cleansing of the market, deterring perpetrators, helping operators in the black market to become part of the legal market, protecting consumers of dangerous counterfeit products.</p> <p>Enhancing the security of plant protection activities and of food security.</p>	
Indicators	<p>The number of controls conducted and actions undertaken by the authorities, the quantity and value of seized counterfeit products as a result of the controls and actions, and the number of proceedings instituted and successfully terminated on the basis of said controls and actions.</p>	
Objectives	<ul style="list-style-type: none"> <li>• Decreasing the proportion of adulterated foodstuffs in domestic trade;</li> <li>• Decreasing the number of counterfeit pesticides available in domestic trade or imported illegally into the country and sold directly to the users;</li> <li>• Terminating the illegal activities of persons and enterprises who/which produce and distribute counterfeit foodstuffs and preparations, foodstuffs and preparations of unknown origin, foodstuffs and preparations misleading the consumers or endangering their health, and putting in place deterring sanctions for these persons and enterprises;</li> <li>• Increasing the number of targeted actions by the authorities, strengthening cooperation between them;</li> <li>• Consumer awareness-raising.</li> </ul>	
Contributors	<p>Ministry of Rural Development Central Agricultural Office National Tax and Customs Administration Hungarian National Police Headquarters Hungarian Authority for Consumer Protection Hungarian Intellectual Property Office</p>	<p>Organizations representing professional interests and producers' interests</p>





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	Food Chain Safety and Animal Health Directorate of the County Government Office Plant Protection and Soil Conservation Directorate of the County Government Office	
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<b>Seventh targeted field</b>	<b>Reducing the counterfeiting of medical products (medicines and medical instruments) and of dietary supplements</b>	
Tools/ Steps	<ul style="list-style-type: none"> <li>• Reviewing and strengthening the legislative framework relating to enforcement actions against counterfeit medicines;</li> <li>• Making the counterfeiting of medical products a criminal offence (ratification of the Medicrime Convention of the Council of Europe as soon as possible);</li> <li>• Making sure that no gap exists in official administrative competences in the course of enforcement relating to the counterfeiting of medical products and dietary supplements, facilitating an efficient cooperation and exchange of information among the competent authorities;</li> <li>• Fostering cooperation and exchange of experience between the competent authorities, and, to that end, organizing professional events, consultations and trainings; as well as compiling guides for the enhancement of more efficient actions;</li> <li>• Removing the obstacles preventing the stoppage of counterfeit preparations and of initiating proceedings, by means of enforcement or possibly legislative instruments and/or by unifying the legal practice (commercial quantity, duration of the seizure of goods, possibility of prompt request for opinion);</li> <li>• Promoting action against websites illegally offering medicines/medical instruments on the Internet and, to this end, the elaboration of procedural documents and of a methodology;</li> <li>• Active participation in international actions of authorities (e.g. PANGEA);</li> <li>• Active participation in accordance with Article 85(d) of Directive 2011/62/EU (falsified medicinal products) in the information campaigns raising consumer awareness on the Internet;</li> <li>• Awareness-raising relating to the risks of counterfeit medicines and medical instruments to public health.</li> </ul>	
Advantage	Countering the illegal activities of distributors of preparations that are falsified or of unknown origin, mislead consumers or pose risks to their health, decreasing the proportion of counterfeit medicines on the domestic market, protecting consumers from counterfeit medicines.	
Indicator	Number of successful actions of the authorities against falsified medicinal products	
Objective	Improving the effectiveness of actions against manufacturers and distributors of falsified preparations, reducing the number of illegally distributed preparations	
Responsible actors, other contributors	National Tax and Customs Administration Hungarian National Police Headquarters	Interest representing organizations of right holders Consumer protection organizations



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	<p>Hungarian Authority for Consumer Protection</p> <p>National Institute for Quality- and Organizational Development in Healthcare and Medicines</p> <p>Office of Health Authorisation and Administrative Procedures</p> <p>National Public Health and Medical Officer Service-National Institute for Food and Nutrition Science</p> <p>National Public Health and Medical Officer Service- Office of the Chief Medical Officer of State</p> <p>Hungarian Intellectual Property Office</p>	
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<b>Eighth Targeted field</b>	<b>Action against art forgery, improving the conditions of art trade / Developing legal, professional, institutional and IT conditions in order to tackle art forgery</b>	
Tools/ Steps	<ul style="list-style-type: none"> <li>• Regular consultations and exchange of experience between researchers, experts, enforcement officials, as well as the participants of cultural administration and art trade on the problems of art-forgery;</li> <li>• Analysis of the legislative framework relating to the forgery of certain groups of works of art constituting cultural goods (definition of criminal offences falling under the concept of forgery of cultural goods, review of the regulations in the cultural heritage protection, copyright and professional fields ensuring protection against forgery of cultural goods, analysis of the current criminal law regulations of the subject, examination of the necessity and possibilities of special legislation);</li> <li>• Analysing the role of experts in the protection against cultural goods forgery and in the course of proving such forgery (examining the questions of the competence of experts, of the expectations concerning the activities of experts and expertise provided by them, of the liability of experts as well as of the quality assurance of expert activities);</li> <li>• Examining the possibilities for the registration of counterfeit cultural goods as well as setting up and operating an adequate data base;</li> <li>• Research on the criteria and protocol of the authentication of cultural goods, examination of data enabling the identification of works of art;</li> <li>• Protecting cultural goods against counterfeiting and examining counterfeiting related aspects of art trade, including the need for possible regulatory action;</li> </ul>	
Advantages	More effective protection against the counterfeiting of cultural goods, especially by preventing such acts and through better identification of counterfeits.	
Indicators	Number of successful actions by the authorities against the counterfeiting of cultural goods; number of objects entered into the registry to be set up for the registration of counterfeit cultural goods.	



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Objectives	Assessing and creating the tools for effective action against the counterfeiting of cultural goods and for the prevention thereof.	
Responsible actors, contributors	National Office of Cultural Heritage Ministry of National Resources National Institute of Criminology Hungarian National Police Headquarters National Tax and Customs Administration Hungarian Intellectual Property Office Public collections	Representatives of art galleries Representatives of cultural organizations



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## II. Reducing demand (9., 10.)

**More informed consumers and Internet users! – Reducing demand for counterfeit and pirated products**

Ninth targeted field	General public awareness-raising
Tools/Steps	<ul style="list-style-type: none"> <li>• Regular and continuous publication of counterfeiting related news and reports of successful actions of the authorities;</li> <li>• Organizing public campaigns:               <ul style="list-style-type: none"> <li>▪ Drafting and advertising general and permanent messages, passing on the NBAC message to consumers, emphasising the safety and health risks for consumers;</li> <li>▪ Organizing special programs and campaigns focusing on one subject at a time (e. g. falsification of medicines, copyright infringements);</li> <li>▪ Using all forms of communications tools (posters, ads in journals, publications, TV, web pages, Web 2.0 tools, blogs, social networking sites)</li> <li>▪ Organizing a Week against Counterfeiting;</li> </ul> </li> <li>• Making accessible and disseminating easily understandable information materials (mostly online) about what is legal and what is not, and setting up informing about an information point to handle and forward reports about counterfeiting;</li> <li>• Presenting the message against counterfeiting at popular and big events (tailored to target groups and shaped in accordance with the type of event);</li> <li>• Cooperating with all participating and interested parties in the fight against counterfeiting in order to organize communication and information, harmonise and mutually support communication between these organizations, and to cooperate in communication with existing networks and institutions (e. g. eHungary Points);</li> <li>• Participation in European and international initiatives, and cooperation therewith;</li> <li>• Making, evaluating and publishing regular (yearly) consumer surveys and opinion polls among the population on the situation of counterfeiting and on the attitude of purchasers and of special target groups.</li> <li>• Creating the possibility for the public to report on counterfeiting and publicising this possibility.</li> </ul>
Advantages	Smarter and more careful consumers and users, reduction of the demand for counterfeit products, increase in the demand for products offered by lawfully operating economic players.
Indicators	Results of surveys measuring the attitudes of the public: data on openness to counterfeit products and on purchasing such products, as well as on the socio-economic consequences of counterfeiting
Objectives	By providing regular information and knowledge increasing societal rejection of



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	counterfeiting and piracy, a perceptible change in public attitudes	
Responsible actors, contributors	All NBAC members	All NBAC members Other interest representing organizations of right holders Civil society consumer protection organizations

<b>Tenth targeted field</b>	<b>Awareness-raising and education of the youth and of schoolchildren</b>	
Tools/Steps	<ul style="list-style-type: none"> <li>• Introducing regular IP protection education in schools in connection with consumer protection and IT information and integrating IP protection knowledge into the framework curriculum: <ul style="list-style-type: none"> <li>○ preparing, with the help of teachers, interactive and age-specific education and information materials for schoolchildren and teaching aids for the teachers on IP protection and the consequences of infringements;</li> <li>○ “test teaching” in selected schools with the materials prepared under the pilot project, then making the necessary corrections based on the results thereof, and finally nationwide dissemination of these materials;</li> <li>○ examining the effectiveness of knowledge transfer, measuring tacit knowledge in view of increasing the quality of trainings;</li> </ul> </li> <li>• Organizing national campaigns and competitions as well as publishing information materials targeted at schools and schoolchildren;</li> <li>• Lecture series in secondary schools;</li> <li>• Raising the IP awareness of young people in higher education through lectures, trainings and information materials for students and professors; indicating copyright related information in regulations concerning Internet use and in guidelines for writing dissertations; stimulating the searching of dissertations with plagiarism checkers;</li> <li>• Presenting solutions that can offer alternatives to unlawful use.</li> </ul>	
Advantages	Young people finishing school are more conscious and they are provided with IP protection knowledge.	
Indicators	Results of attitude surveys among schoolchildren	
Objectives	Reaching primary schools, secondary schools and institutions of higher education; By 2013 reaching 50% of schools, by 2015 reaching 90% of primary and secondary schools, as well as 100% of higher education institutions.	
Responsible actors, contributors	Ministry of National Resources National Tax and Customs Administration Hungarian National Police Headquarters Hungarian Authority for Consumer Protection National Media and Infocommunications Authority Hungarian Intellectual Property Office	Interest representing organizations of Right holders Civil society consumer protection organizations



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### III. Economic importance (11., 12.)

**The economic importance of the fight against counterfeiting, assisting enterprises in enforcement**

Eleventh targeted field	Data collection and analysis of the macro-economic effects of counterfeiting	
Tools/Steps	<p>In line with the activities of the European Observatory on Counterfeiting and Piracy and in cooperation therewith:</p> <ul style="list-style-type: none"> <li>• Collecting data on IPR infringements by industries, providing methodological support to economic operators for data collection; participation in relevant international research;</li> <li>• Regularly collecting, systematising and analysing official statistical data on enforcement;</li> <li>• Making methodological inquiries, analyses and recommendations concerning the following in particular:               <ul style="list-style-type: none"> <li>○ Quantifying counterfeiting;</li> <li>○ Making estimates of the domestic economic loss due to counterfeiting and determining the share of the black economy by taking into account international examples as well, providing a methodological foundation for the estimates;</li> <li>○ Integrating black market related data into the wider system of market, economic and cultural statistics.</li> </ul> </li> </ul>	
Advantages	<p>Obtaining more accurate data on the penetration of the domestic market by counterfeiting and on the characteristics of the domestic market, since this information provides the basis for determining future directions in enforcement and awareness-raising.</p>	
Indicators	<p>Number of measurements and estimates by industry and for the national economy as a whole, and indicators by industry.</p>	
Objectives	<p>Providing domestic data (which are based on a well-funded methodological approach and useful in an international comparison) on the scale of counterfeiting and piracy.</p>	
Contributors	<p>All state organs that have data on enforcement Hungarian Intellectual Property Office Hungarian Central Statistical Office</p>	<p>Interest representing organizations of right holders Interest representing organizations of entrepreneurs and employers</p>



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<b>Twelfth targeted field</b>	<b>Enhancing the IP protection knowledge of entrepreneurs and market operators, their preparation to act against those infringements</b>	
Tools/Steps	<ul style="list-style-type: none"> <li>• Contacting chambers of commerce and trade, organizing in several points of the country regular IP protection and enforcement programs, seminars, fora and trainings for entrepreneurs and different professional organizations of entrepreneurs;</li> <li>• Creating easily understandable information material and information platforms for entrepreneurs to assist them in the enforcement of their IPRs;</li> <li>• Examining circumstances that prevent or hinder enterprises in enforcement, making proposals to remedy them;</li> <li>• Increasing the interest of manufacturers and distributors in producing and distributing legal products and goods, providing information materials to promote a culture of compliance;</li> <li>• Searching for and evaluating IT tools that make possible the identification and the traceability of the origin and legality of products under IP protection, and determining the requirements for the application and security of these tools;</li> <li>• Developing a tool-kit (made up basically of non-legal tools) which can effectively mitigate the detrimental effects of infringements on the market.</li> </ul>	
Advantages	Economic operators will be more aware of their intellectual goods and can take more effective action against infringing enterprises, increasing thereby their own market value.	
Indicators	Number of trainings and professional events organized for entrepreneurs and the number of people participating therein; the results of measurements of attitudes among enterprises; the IP protection activities of enterprises.	
Objectives	Furthering the commercial success of enterprises with a system of IPR protection tools.	
Contributors	National Tax and Customs Administration Hungarian National Police Headquarters Hungarian Authority for Consumer Protection Hungarian Intellectual Property Office	Interest representing organizations of right holders Interest representing organizations of entrepreneurs and employers