



EU enforcement of
intellectual property rights:
results at the EU border and
in the EU internal market 2023

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Table of Contents

1	Introduction	5
2	Executive Summary	5
3	Overall Results of the EU IPRs Enforcement.....	9
3.1.	Data per Member State.....	10
3.2.	Data per product category.....	10
3.3.	Data per intellectual property right	12
4	Results of Customs Enforcement at the EU Border	14
4.1.	Nature of the detained goods.....	15
4.2.	Result of the detentions at the EU border	17
4.3.	Provenance of the IPR infringing goods.....	17
4.4.	Means of transport	19
4.5.	Intellectual property rights.....	20
4.6.	Customs procedure involved.....	21
4.7.	Cooperation between right holders and customs	22
4.8.	Comparison of detentions at EU borders and imports.....	23
5	Results of IPRs Enforcement in the EU Internal Market.....	26
5.1.	Data per Member State.....	27
5.2.	Data per product category.....	27
5.3.	Data per intellectual property right	29
5.4.	Cooperation between right holders, police and MSAs.....	30
6	Conclusions	31
7	Glossary of Footnotes.....	32

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1 Introduction

The Directorate-General for Taxation and Customs Union (DG TAXUD) and the European Union Intellectual Property Office (EUIPO) have partnered to release annual reports detailing the efforts made by customs, police, and market surveillance authorities to enforce IP rights in the European Union (EU). This report presents the outcomes of the EU's IP enforcement activities for the year 2023, drawing on data from 26 EU Member States (noting that the Greek dataset is missing) at the border and 24 countries within the internal market ⁽ⁱ⁾.

This document aims to provide valuable insights on IP infringements across the EU both at the EU borders and in the EU internal market. Furthermore, it offers policymakers reliable data to support their decision-making process and prioritization of policies.

2 Executive Summary

In 2023, the European Union witnessed remarkable achievements in terms of overall detentions reflecting the growing efficacy of collaborative efforts among enforcement agencies. This year, several significant operations have yielded exceptional results ⁽ⁱⁱ⁾, highlighting the effectiveness of joint efforts in combating IP infringement, and protecting the integrity of the EU market.

Over 152 million counterfeit articles were detained in 2023, at the EU border and the EU internal market altogether, with an **estimated retail value of approximately EUR 3.4 billion**. This represents a **77 % increase in terms of counterfeit articles detained** (86 million in 2022) and a **68 % increase (EUR 2 billion) in terms of estimated overall value of the counterfeit goods detained** in the EU for 2023 compared to 2022.

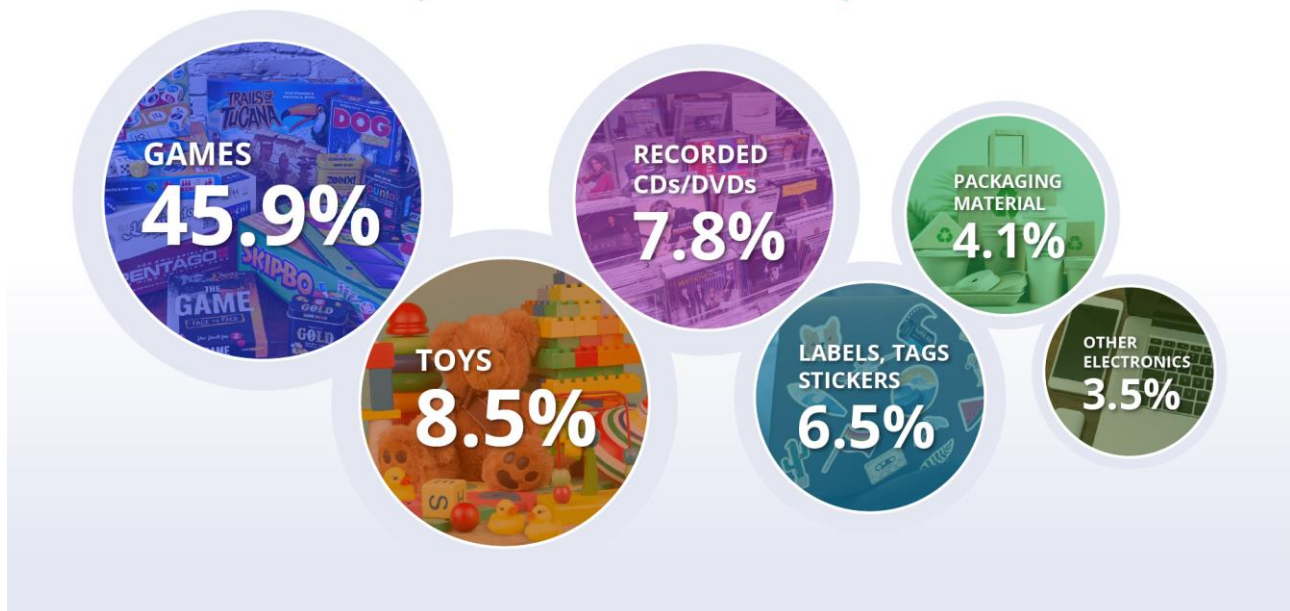
This significant increase in 2023 in terms of both the overall number of detentions and the estimated value of the detained articles is due to the **sharp increase in the internal market detentions in 2023** which confirms the trend we have observed over the past years. This important increase in internal market detentions, which could be attributed to several factors, including strengthened enforcement measures, enhanced international collaboration between enforcement agencies and better cooperation with rights holders promoted within the European Multidisciplinary Platform Against Criminal Threats (EMPACT) framework, clearly influence the overall results.

In 2023 almost 98 % of the total volume of detentions and over 94 % of their estimated value were reported by 10 Member States with Italy representing over 74 % of all detentions followed by France, Romania, Spain, Netherlands, Bulgaria, Germany, Hungary, Belgium and Greece (which together represented over 23 %). A similar pattern is observed regarding the overall estimated value with Italy also leading with over 58 % of the total estimated value followed by France, Spain, Germany, Hungary, Netherlands, Greece, Belgium, Malta and Portugal representing over 36 %.

The top five product categories in terms of the number of counterfeit articles detained in 2023 were “Games” (leading for the second year in a row) followed by “Toys” and “Recorded CDs/DVDs”. The presence of “Packaging material” and “Labels, tags, stickers” in 4th and 5th positions indicates a growing risk of domestic production by assembling unbranded goods and the labels/tags/packaging material inside the EU to avoid detentions at the EU border.



Top categories by number of detained articles overall (internal market and border) in the EU



EU border

Regarding the **detentions at the EU border**, this increased by 7 % in 2023. However, despite this growth, the total number of detained articles decreased from over 24 million in 2022 to 17.5 million in 2023 (representing a 27 % reduction), reaching the lowest level in the past decade. Similarly, **the**

estimated value of detained goods at the EU border decreased by 14 % in 2023 to EUR 811 million (relative to approximately EUR 943 million in 2022).

The trend over the last four years shows a gradual overall decline of detained articles. For 2023, the decrease of detained articles and a shift towards articles of lower value resulted in a drop of the global estimated value of the detentions at the EU borders.

As to the **top 3 countries of provenance in terms of volume of IPR infringing goods entering the EU**, 2023, shows the preponderance of China with over 56 %, followed by Hong Kong, China with almost 9 % and Türkiye with over 8 % ⁽ⁱⁱⁱ⁾.

The highest number of detention cases concerns goods transported via post with over 37 000 cases, representing a slight increase compared to 2022, and express courier with approximately 21 000 cases, which remained stable ^(iv). However, maritime and road detentions continued to account for the majority of the articles detained.

Finally, looking at the type of IPR infringed ^(v), trade marks remained by far the most infringed IPR with over 84 % of articles detained infringing European Union Trade Marks (EUTM), followed by over 7 % of articles infringing international trade marks (ITM), national trade marks (NTM, over 6 %) and Community designs with just over 3 %.

EU internal market

With over 138 million articles detained worth EUR 2.7 billion, 2023 represents a record year for the EU internal market, reaching by far the highest values of the last 12 years.

With almost 71 million more articles detained, **Police forces and Market Surveillance Authorities in the EU more than doubled the result in 2023** (plus 106 % compared to 2022).

Regarding the detentions by estimated value, **an increase of over 122 % compared to 2022 was recorded, representing an increase of EUR 1.49 billion in IPR detentions for 2023.**

Six EU Member States accounted for approximately 97% of the total articles detained, with Italy representing over 80 % of articles detained, while France, Romania, Spain, the Netherlands and Hungary followed with percentages ranging between 1 % to 7 % each.

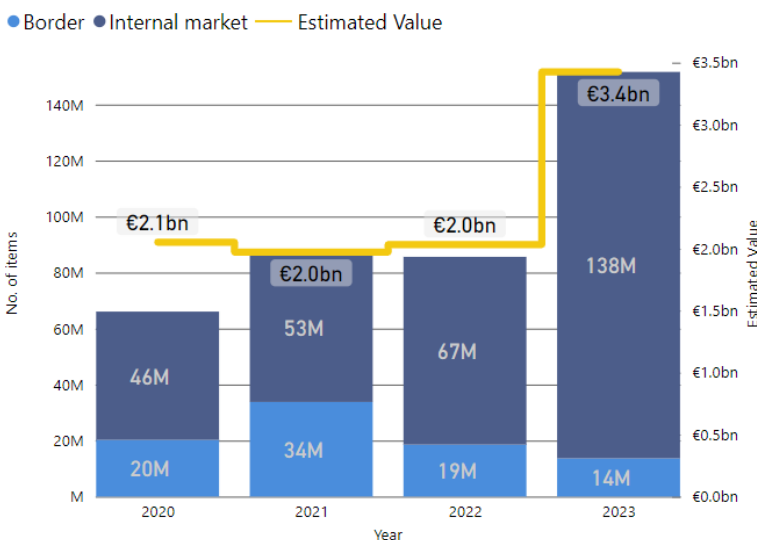
In terms of estimated value, Italy remains firmly ahead and is followed by Spain, France, Hungary, Greece and the Czech Republic.

Similarly in relation to the detentions performed at the EU border, also in the EU internal market trade marks represented the most infringed IPR in 2023, with 77 % of the products detained infringing one or more trade marks, followed by copyright and design infringement with over 21 % and over 7 % respectively ^(vi).



3 Overall Results of the EU IPRs Enforcement

EU enforcement authorities detained almost 152 million articles ^(vi) in 2023. This shows a remarkable increase of over 77 % compared to the 86 million articles detained in 2022. This significant increase is due to the higher number of detained articles in the EU internal market.



The **estimated value** of the fake articles detained is approximately EUR 3.4 billion, showing a significant increase of over 68 % compared to the previous year. The proportion of internal market detentions relative to total detentions has been growing in 2023, and it has further increased an additional 20 %.

Figure 3-1: Quantity and estimated value of articles (2023)

3.1. Data per Member State

Almost 98 % of the total **volume of detentions** and over 94 % of their **estimated value** are reported by 10 Member States. Italy accounts for over 74 % of the total **number of articles** detained followed by France, Romania, Spain, Netherlands, Bulgaria, Germany, Hungary, Belgium and Greece ^(viii) (with 23 % altogether).

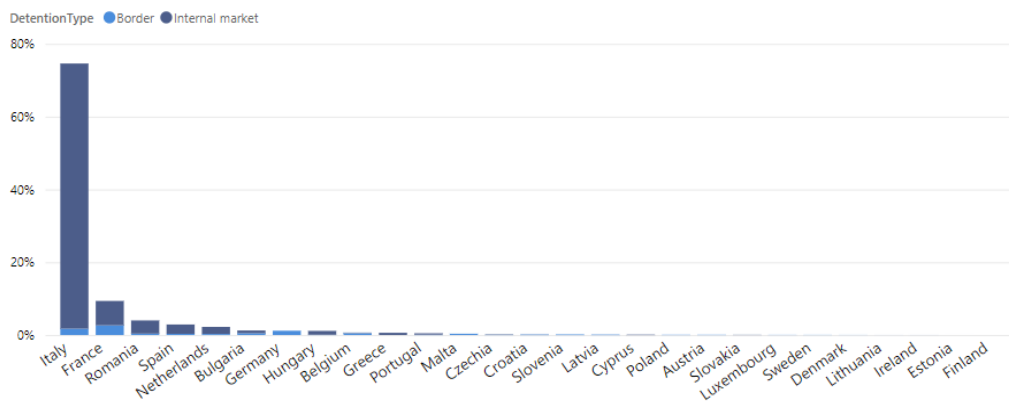


Figure 3-2: Detained articles by Member State (2023)

Similarly, Italy also has the highest share of estimated value of articles detained with over 58 %, followed by France, Spain, Germany, Hungary, Netherlands, Greece, Belgium, Malta and Portugal (with over 36 % altogether).

3.2. Data per product category

The top 5 categories of **products detained** in 2023 were “Games”, “Toys”, “Recorded CDs/DVDs”, “Labels, tags, stickers” and “Packaging material”.

A comparison with the same top five in 2022 reveals that “Packaging material”, as well as “Labels, tags, stickers” and “Toys” have been consistent in the top detentions’ rankings over the last years.

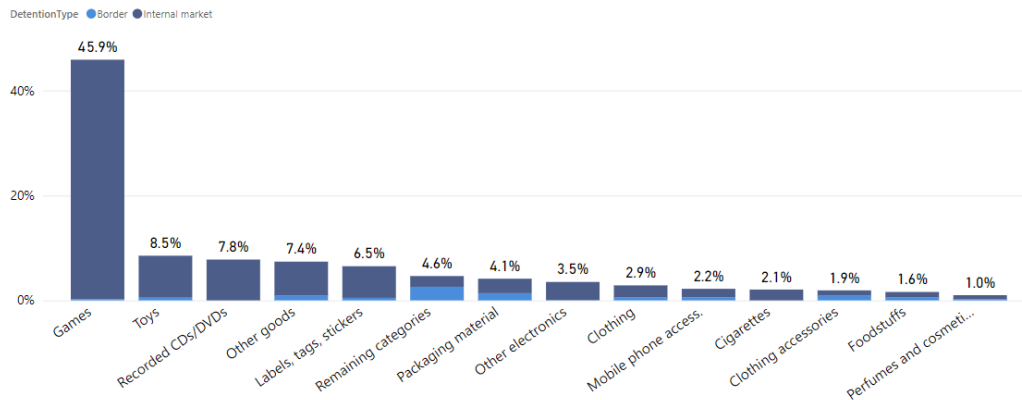


Figure 3-3: Products detained by category (2023)

In 2023, “Games” leads the list of [detained products](#) by far. In fact, this category accounts for almost 46% of the articles detained. Large seizures, specific control operations or exceptional events may be the reasons for the high number of articles in this specific category this year. “Toys”, “Recorded CDs/DVDs”, “Labels, tags, Stickers” and “Packaging materials” follow.



The consistent reappearance of “Packaging material” and “Labels, tags, stickers” in the top 5 product categories deserves special attention. These packaging and labelling materials are normally used in conjunction with unbranded goods for the assembling of counterfeit goods and have thus a multiplier effect on counterfeiting. Both categories have been in the top 5 since 2020.



Regarding the [estimated value of the product categories](#) detained, “Games”, “Watches”, “Clothing”, “Recorded CDs/DVDs” and “Jewellery” were in the top 5 for 2023.

“Games” and “Recorded CDs/DVDs” rank highly on the detention list due to the high number of detentions (despite their low value) while in the other categories they rank

highly due to their unitary value.

In terms of value, “Watches”, “Jewellery” and “Clothing” have historically been among the top five categories of products detained due to their high average estimated value which corresponds to the price at

which the goods would have been sold at retail on the Member State market had they been genuine.



3.3. Data per intellectual property right

Trade marks continue to be the predominant IPR infringed with 71 % of the counterfeit articles detained infringing at least one trade mark. Copyright infringement followed with 28.2 % and then designs with 3.8 % respectively.



Figure 3-4: Share of articles detained by type of IPR (2023)

Looking at the picture from the perspective of the value of articles detained, the order is similar to the list of detained articles with slightly different percentages. About 68 % of the value of the

detentions is related to trade mark infringements, followed by about 23 % for copyright infringements and 19 % for design infringements.

It is also interesting to look at the type of IPR infringed relative to each of the categories of products detained. The proportion of designs as an infringed IPR was among the highest for “*Alcoholic beverages*”, “*Office stationery*”, “*Medicines*”, “*Clothing*” and “*Mobile phones*”.

Copyright appears to be the most infringed IPR in the “*Recorded CDs/DVDs*” and “*Games*” categories, whereas patents are mainly infringed in the “*Medicines*” category.

However, for all of these product categories, trade marks are still the most infringed IPR, except for the “*Recorded CDs/DVDs*”, “*Other body care items*” and “*Audio/video apparatus*” categories.



Figure 3-5: Value of detentions by type of IPR (2023)



4 Results of Customs Enforcement at the EU Border



While the number of cases (+7 %) and procedures (+14 %) initiated by EU customs slightly increased in 2023, the number of articles detained (-27 %) and their value has decreased.

The evolution of **detained articles** over the last four years shows a slightly declining trend with some peaks, while the estimated value of the products seems to show an upward trend up to 2022 followed by a sharp decrease in 2023.

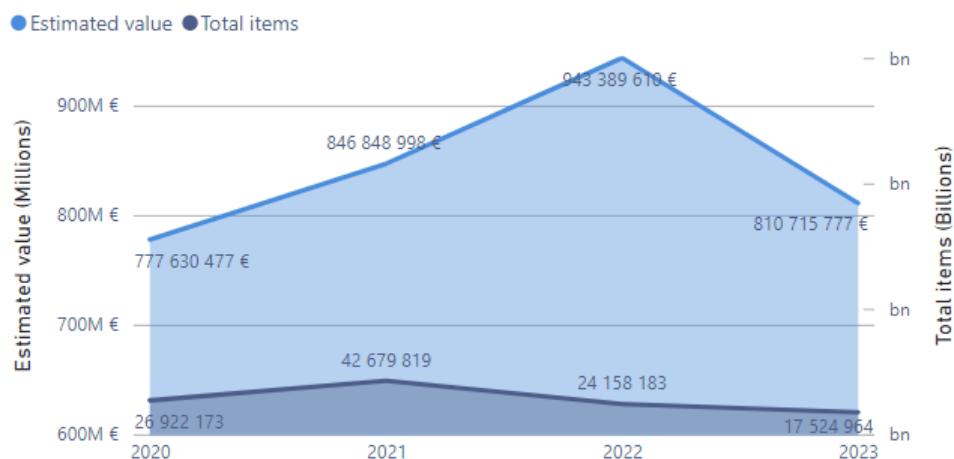


Figure 4-2: Detained articles and estimated value (2020-2023)

The decrease in the number of articles detained together with the significant reduction of expensive products and the parallel increase of lower value products explain the decrease in the global estimated value of the detained goods.

Ten Member States accounted for almost 91 % of the total of cases and over 88 % of the total number of articles detained. Belgium, Germany, Italy, the Netherlands and Spain appear in the top 10 both in terms of number of cases and number of counterfeit goods detained ^(ix).

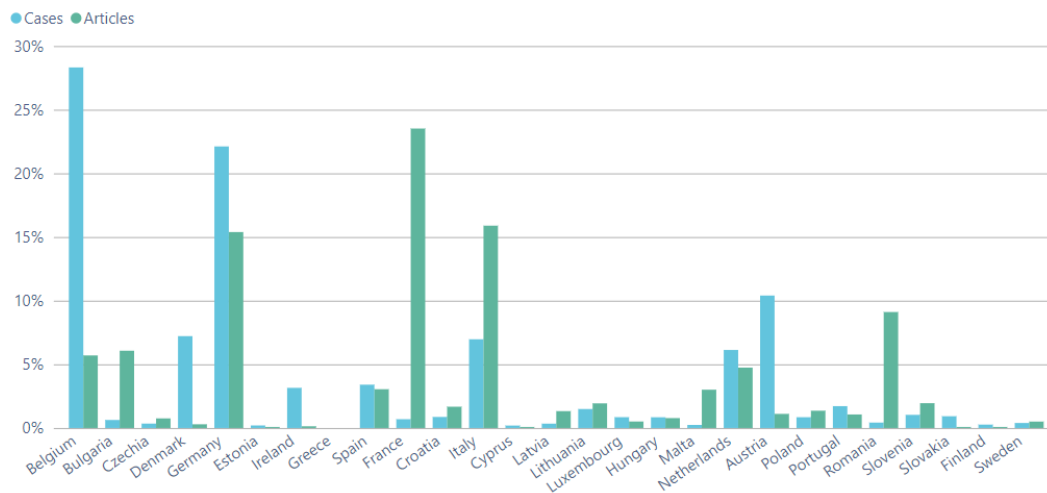


Figure 4-3: Cases and articles detained by Member State (2023)

4.1. Nature of the detained goods

Cheaper products dominated over expensive ones in 2023. In fact, almost the same categories remained at the top of the list as those in 2022: “Packaging material”, “Toys”, “Other body care items”, “Foodstuff”, “Other beverages” or “Labels, tags, stickers” although with lower estimated value than in 2022.

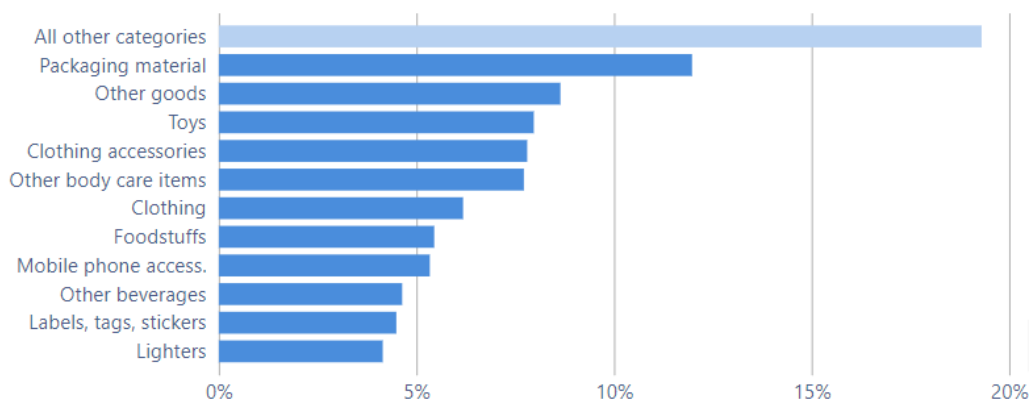


Figure 4-4: Products detained by category (2023)

The general decrease in the total estimated value is explained by the combination of the decrease in the total number of articles detained along with the shift towards cheaper products. This was offset by the overall increase in the unitary estimated value of the articles detained (EUR 46.26 in 2023 relative to EUR 39.05 in 2022).

As already mentioned, “*Packaging material*” leading the detention lists, in combination with “*Labels, tags, stickers*”, ranking 9th in 2023 shows an increased risk of assembling unbranded goods with fake labelling to IPR infringing ones inside the EU.

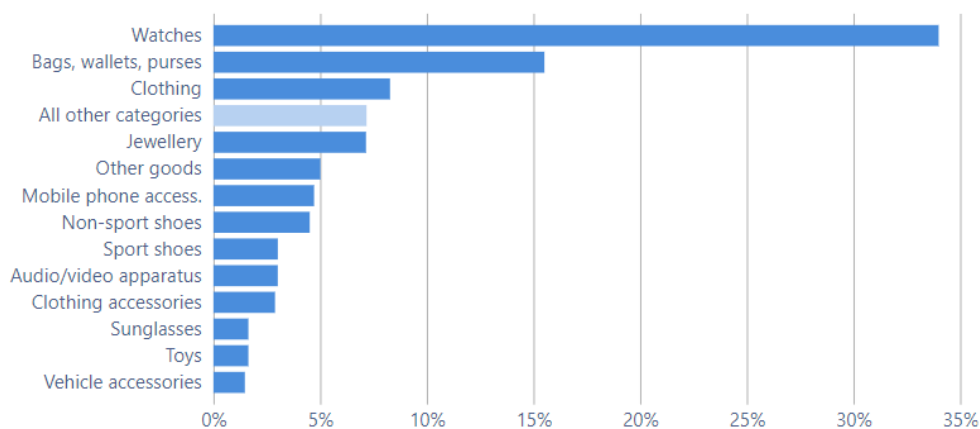


Figure 4-4: Top categories by estimated value 2023

In terms of the [estimated value](#), luxury goods with high unitary value lead the ranking of detentions: “*Watches*” (almost 34 %), “*Bags, wallets, purses*” (over 15 %), “*Clothing*” (over 8 %), “*Jewellery*” (over 7 %) and “*Non-sport shoes*” (over 4 %), aligning with the trend for estimated value that we have observed over the past years (*).

4.2. Result of the detentions at the EU border

In 2023, almost 90 % of the detentions carried out by customs resulted ^(xi) in the destruction of goods, 51 % through the standard procedure and 36 % through the small consignment procedure.

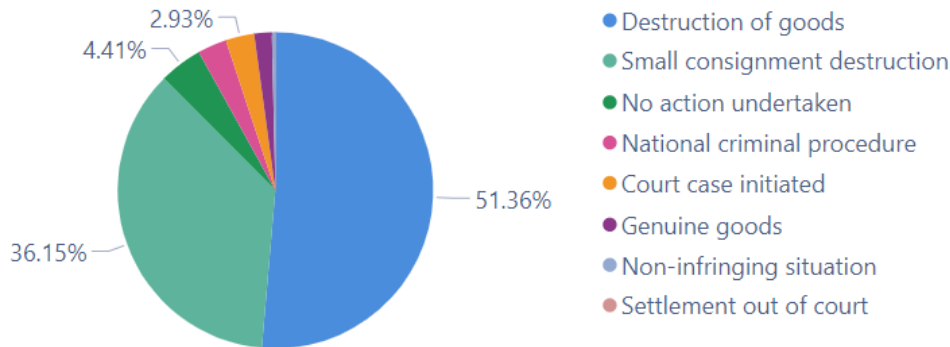


Figure 4-5: Procedures by result (2023)

Almost 6 % of the detentions resulted in a (civil or criminal) court procedure, and 0.07 % were settled out of Court. In 6.50 % of cases the goods were released, or because the right holder did not undertake action (4.4 %), or the goods turned out to be genuine in the end (1.8 %), or there was a non-infringing situation (0.29 %). These results are very similar to those of 2022.

It is to be noted that customs controls triggered by a suspicion of IPR infringement that do not give rise to a detention or suspension of the release for free circulation are not in the statistics, and thus the overall result of detentions does not represent all the controls performed.

4.3. Provenance of the IPR infringing goods

China is again the predominant country of provenance for most categories of goods detained in 2023. It is followed by Hong Kong, China and Türkiye ^(xii).

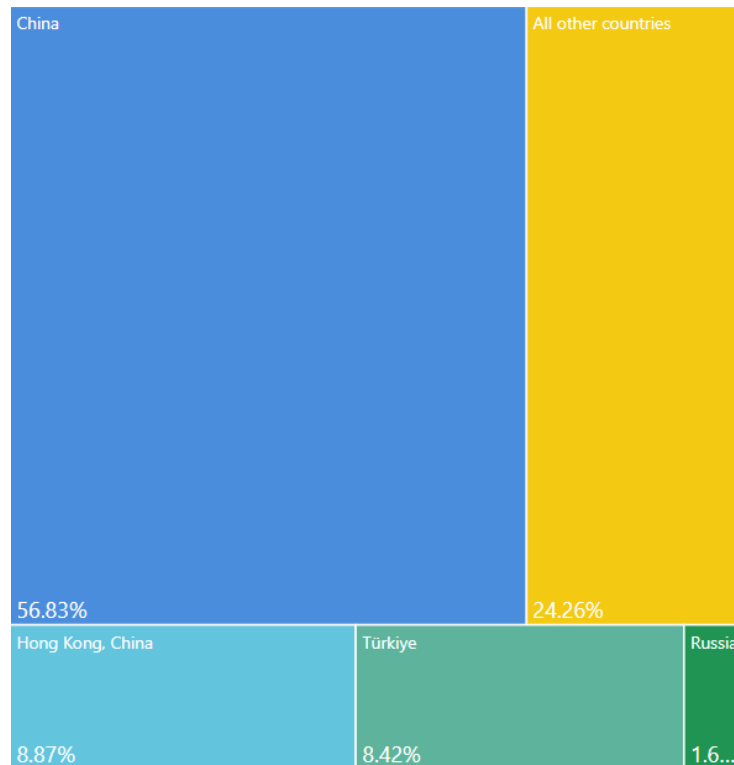


Figure 4-6: Products by country of provenance (2023)

In regard to the number of **products** detained coming from China, “*Clothing accessories*” is the most detained category. Coming from Hong Kong, China, the most detained category is “*Labels, tags, stickers*”, while “*Clothing*” ranked on top when looking at products from Türkiye. For Russia, “*Labels, tags, stickers*” was the most detained category of products while for India it was “*Clothing*”.

When looking at the **estimated value of the products detained**, the ranking of countries differs slightly. China still tops the list with over 65 % of the total, followed by Hong Kong, China with over 17 % and then Türkiye with over 5 %.

The main articles detained from the top 3 countries of provenance in 2023 were:

China



Figure 4-7: Country of provenance per category by number of articles (2023)

Hong Kong, China

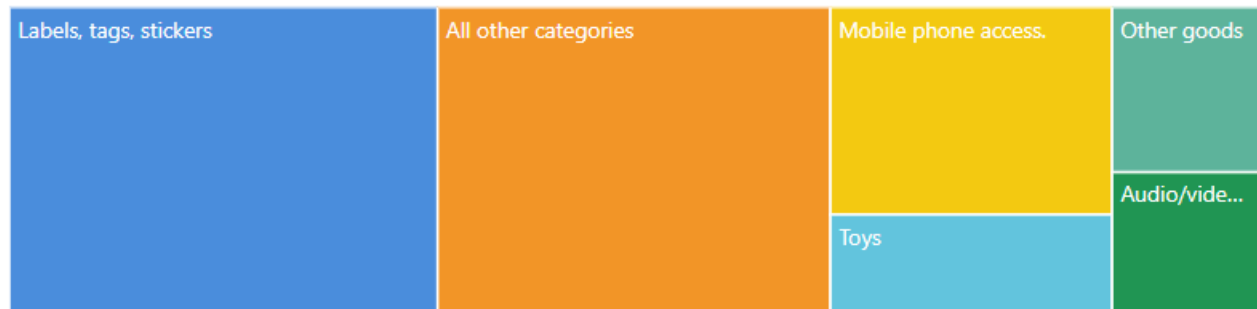


Figure 4-8: Country of provenance per category by number of articles (2023)

Türkiye

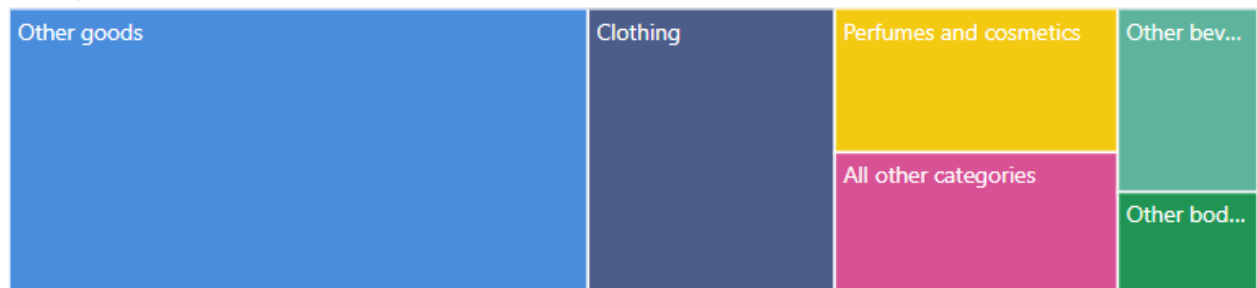


Figure 4-9: Country of provenance per category by number of articles (2023)

For products arriving from China or Hong Kong, China, the top-ranking category by value was “Watches”, while for Türkiye it was “Clothing” in 2023.

4.4. Means of transport

In terms of means of transport, most cases in 2023 concerned articles transported via post or express courier. Contrary to recent years detentions in postal consignments increased, while those in transport by express courier remained stable.

In relation to the [number of articles](#) detained across the different modes of transport, sea cargo is still the predominant mode of transport for detained IPR infringing goods. This divergence with the number of detention cases is logic as the detention of a consignment in sea traffic, which might consist of one full container, results in many more articles being detained than in the detention of a postal parcel. The share of detentions involving express courier services remained stable while air and road transport decreased.

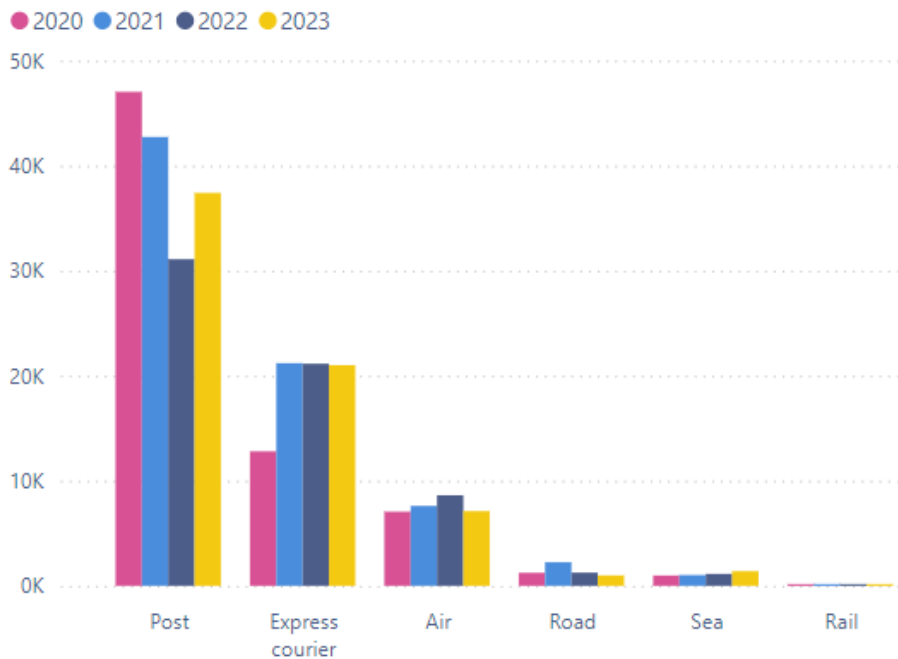


Figure 4-10: Evolution by means of transport by cases (2023)

In 2023, more than 97% of the cases of suspected IPR infringing goods were found in commercial traffic, compared to almost 3% in passenger traffic, which is not dissimilar to the 10-year historical series ^(xiii).

4.5. Intellectual property rights

In relation to the type of IPR infringed, trade marks (TM) remained by far the most infringed IPR in terms of volumes of counterfeit products detained. EUTMs have by far the highest share of infringements (over 84 %) followed by international (over 7 %) and national trade marks (over 6 %). Community designs follow with over 3 %.

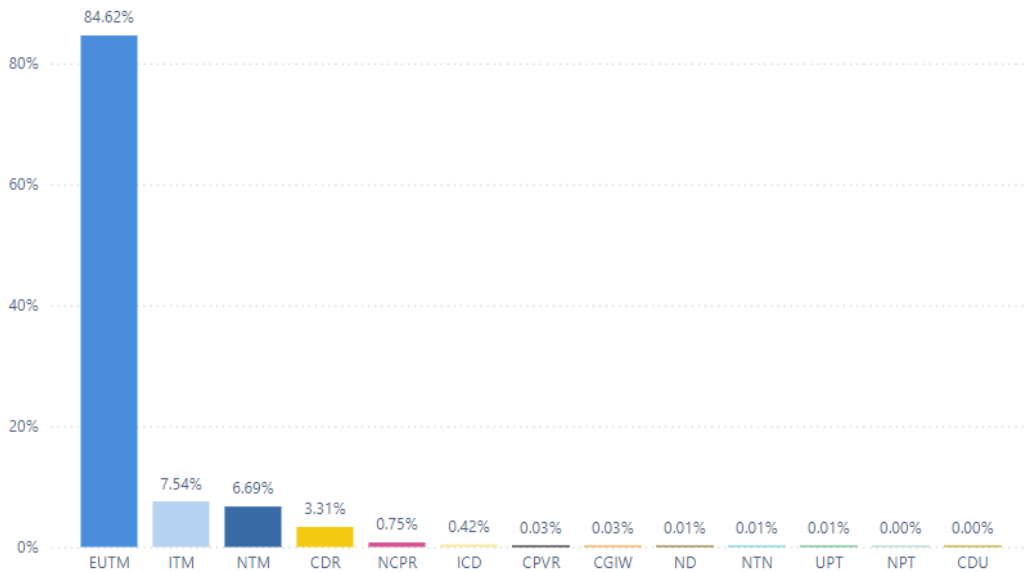


Figure 4-11: Share of number of articles detained by IPR types ^(xiv) (2023)

4.6. Customs procedure involved

In approximately 77 % of the cases, the customs action began while the goods concerned were part of an import procedure. In more than 19 % of the cases, the goods were discovered while being in external transit ^(xv) from the first point of entry to a destination in the EU (a lower share than in 2022). In around 1 % of the cases, goods were part of a (re-)export procedure, with a destination outside of the EU. Additionally, in over 1 % of the cases, goods were in transshipment, destined to a non-EU country or were detained in a warehouse ^(xvi).

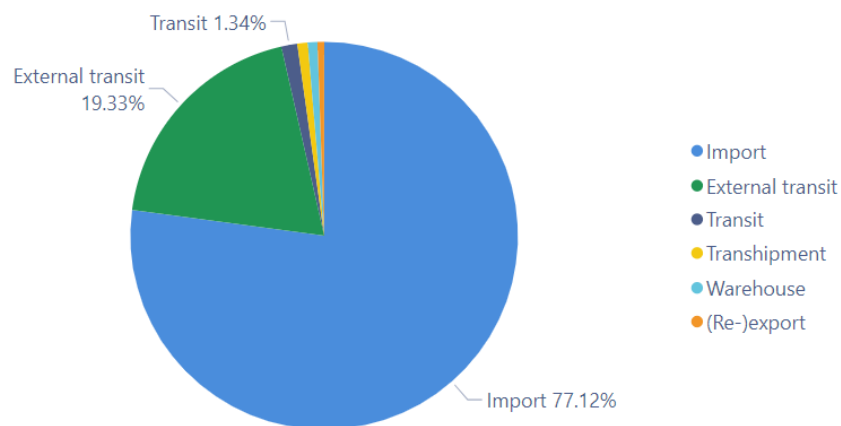


Figure 4-12: Breakdown by cases according to customs procedure (2023)

4.7. Cooperation between right holders and customs

Close cooperation between customs and right holders and the quality of the information provided by the latter in their request for customs to act (named an Application for Action (AFA)) is of paramount importance for risk assessment in the area of IPR protection.

AFAs ^(xvii) can be requested as national AFAs ('national application') applicable in one Member State or 'Union applications' (UAFAs) which are requests applicable in two or more Member States and have the same legal value as national AFAs in each of the Member States for which action is requested.

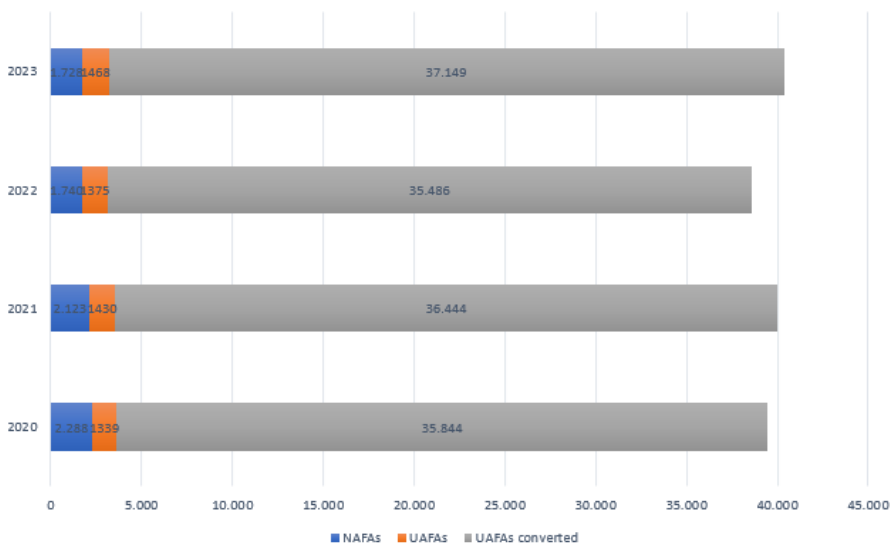


Figure 4-13: Evolution of the AFA (2020-2023)

In 2023, 1 854 national AFAs and 1 643 Union AFAs were submitted to the customs authorities ^(xviii). In order to calculate the overall number of AFAs applicable in the entire EU, Union AFAs are 'converted into' or 'counted as' as many (national) AFAs as the number of Member States in which action is requested.

EU customs also have the power to act *ex officio* if they suspect an IPR infringement without an AFA being lodged already, so, on its own initiative. In such procedures, customs have to identify the right holder, who must submit a national application within 4 working days. Following the trend in 2022, the percentage of this procedure decreased again in 2023, reaching 1.19 % of all cases).

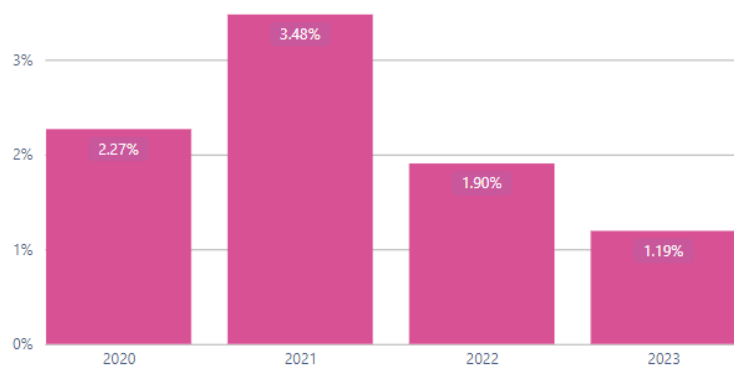


Figure 4-14: Percentage of ex officio procedures (2020-2023)

4.8. Comparison of detentions at EU borders and imports

Data on the quantity or estimated value of the reported detentions of counterfeit products at the EU border is more revealing when compared with other available trade data. Goods detained can be compared with the total imports of equivalent goods from third countries across the same border.

Indeed, as illustrated in the Figure below, the goods reported as detained at the EU borders following an infringement of IP rights are only a fraction of the goods that pass the EU border. Within the scope of this chapter, goods crossing the EU border and entering EU territory are referred to as imports from third countries.

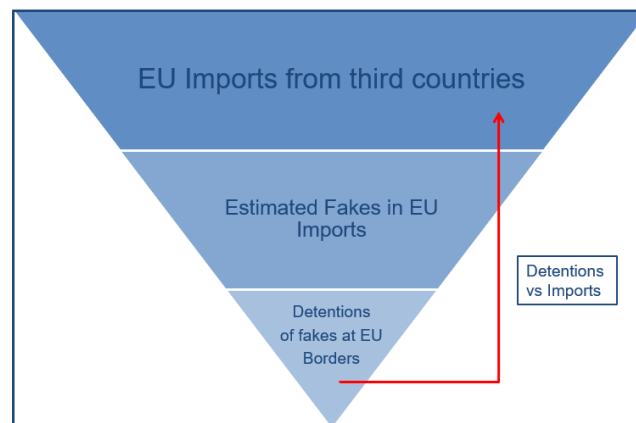


Figure 4.15: Reported volumes of detentions of counterfeit products in relation to other trade figures

The purpose of this section is to compare the absolute numbers of reported detentions of counterfeit goods at EU borders with the numbers of total imports of comparable goods from third countries crossing those borders. In a sense, the series (historical or geographical) of this ratio show **whether the goods detained at the EU border follow the trend of the overall trade volume of the goods concerned** ^(xix).

4.8.1. Detentions versus imports at EU level: overall data

Considering the categories and subcategories of detained goods for which the analysis is consistent ^(xx), **the estimated value of detained goods at EU borders due to the infringement of IP rights**

corresponded to **0.44 ‰^(xxi)** of the imports of equivalent products from third countries in 2023 essentially repeating the pattern identified in 2022.

The ratio of detentions to imports shows a decrease over the period 2020-2021, followed by a stabilization in the following two years 2022 and 2023 (see the Figure below).

These decreases in recent years are due to the combination of comparatively stable values of the goods detained at the EU border considered in this analysis during these years with substantial increase in the value of imports of the equivalent categories of goods in 2021 and 2022.



Figure 4-16: Ratio of detentions/imports at EU level

4.8.2. Detentions versus imports at EU level: data per subcategory of products

The analysis of the ratio ‘detentions to total imports’ per subcategory of goods over the period considered shows clear differences between the categories. However, there is a degree of discretion in the selection of EUROSTAT categories of goods containing equivalent products to those falling under the subcategories used when Member States are reporting back to the Commission on detentions at the border. As a result, the comparison of the historical trends of this ratio within each category is much more relevant than the comparison between categories.

Nevertheless, some trends can be identified from this first analysis:

- “Clothing accessories”, “Personal accessories” including “Sunglasses”, “Bags, wallets, Purses”, “Watches”, “Jewellery” and “Shoes”, show an upward trend compared to 2022 (therefore the detentions of counterfeits in these categories are becoming more important in the overall trade,

and hence may somehow indicate an increasing ‘importance’ in trade of counterfeits of these goods); and

- “Other body care items”, “Clothing”, “Toys”, “Games”, “Sporting articles”, “Electronic” and “Computer equipment”, “Mobile phones” and “Tobacco products” show a decreasing trend also in 2023 (thus the number of detentions of counterfeits in these categories is diminishing compared to the total trade, and hence may indicate a decreasing ‘importance’ in the trade of counterfeits of these goods).

The ratios for the remaining product categories show either stable or unclear trends.

4.8.3. Detentions versus imports per Member State

Considering all the detained product categories and subcategories analysed ^(xxii), the estimated value of the goods infringing IP rights detained at the EU border destined for a given Member State in 2023 varied between 0.04 ‰ of Finland and the 29.45 ‰ (destined for Malta ^(xxiii)), of the total imports into that Member State in the same year, suggesting different degrees of ‘importance’ of counterfeits in the trade with these Member States. Further, the trends in the historical series show detention rates increasing towards Cyprus, Luxembourg and Spain, a decrease towards Portugal and unclear trends for other Member States in the four-year historical series below graphically illustrates the variation of the average ratio per destination Member State over the period 2020-2023 ^(xxiv).



Map 4-1: Ratio of EU border detentions destined to a given MS/imports by destination Member State 2020-2023



5 Results of IPRs Enforcement in the EU Internal Market

Almost 71 million more **articles were detained** in 2023 than in 2022, which means that the volume of articles detained by Police forces and Market Surveillance Authorities ^(xxv) in the EU more than doubled (plus 106 %). Looking at **detentions by value**, this means EUR 1 490 million more worth of IPR detentions in 2023, an increase of over 122 % compared to 2022. Indeed, the figures reached in 2023, by far, the highest values in the last 12 years, undoubtedly fruit of the new push within the EMPACT cycle 2022-2025.

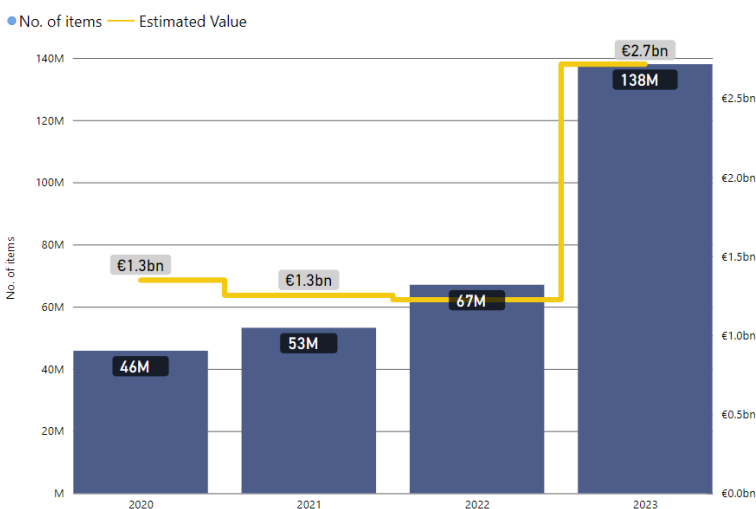


Figure 5-1: Reported quantity and estimated value of products detained in 2023

In addition to the massive increase in the **number of articles** detained in 2023, the general increase of the most of unitary values per product (the average unit value of a product detained increased in 2023 (EUR 19.68 per item) compared to 2022 (EUR 18.28 per item)) led to a proportionally higher increase in **the estimated value of counterfeit products** detained in the EU internal market in

2023. The composition of the basket of categories in 2023 confirms the trend in 2022 towards more cheaper product categories.

5.1. Data per Member State

Six reporting Member States dominate the totals of goods and their estimated value. In fact, 97 % of the total articles detained in 2023 were accounted for by six of the 27 Member States, with Italy firmly leading the list with over 80 % of the [articles detained](#). France, Romania, Spain, the Netherlands and Hungary followed with proportions between 1 % to 7 %.

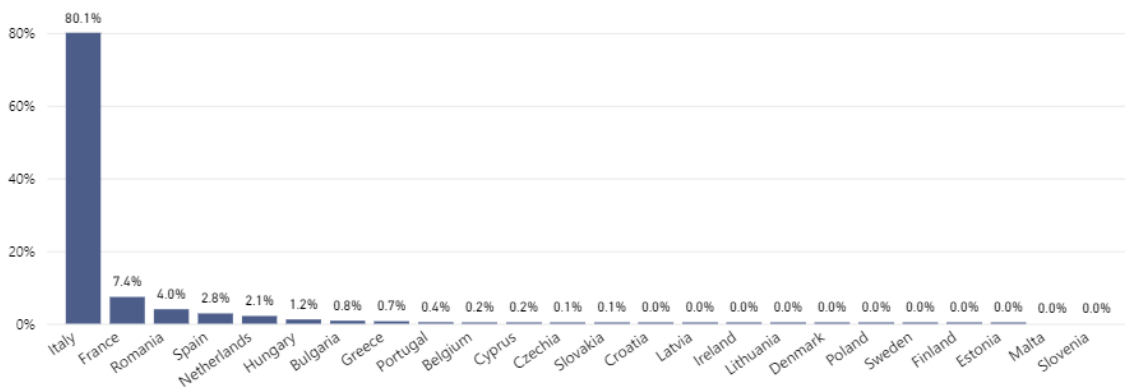


Figure 5-2: Detentions by Member State (2023)

In addition, Romania entered the top six (a significant upward change), replacing Bulgaria. For another year, Italy remained firmly at the top of the list, as has been the case since 2008.

In terms of **estimated value**, Italy remains firmly in the lead. Spain, France, Hungary and Greece remain in the top 6 in 2023, while the Czech Republic replaced the Netherlands.

5.2. Data per product category

The most notable finding of 2023 is the consolidation of the “Games” category in the 1st position of the list (over 50 %), confirming the 2022 results (historically “Games” were outside the top 12). The top 5 list is completed by “Toys” (8.6 %), “Recorded CDs/DVDs” (8.5 %), “Labels, tags, stickers” (6.6 %), “Other electronics” (3.8 %) and “Packaging material” (3 %).

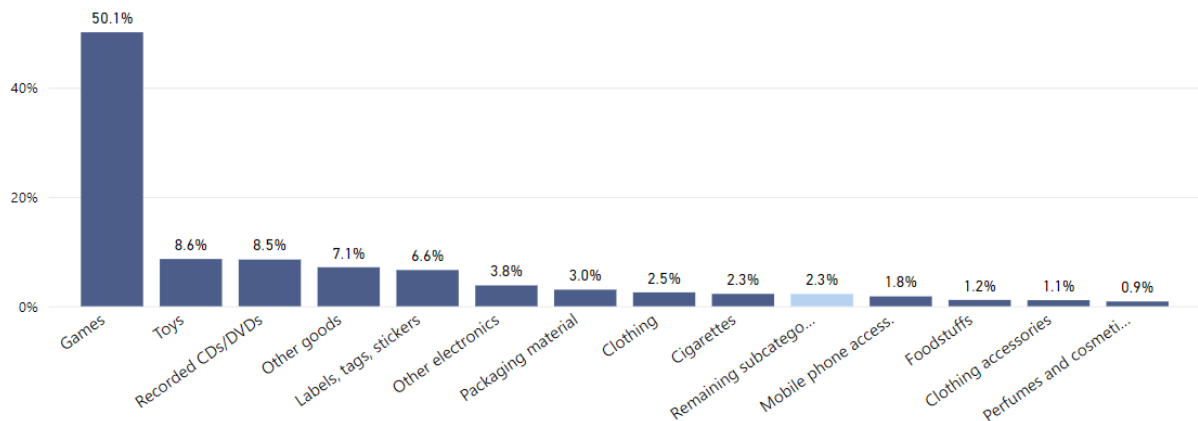


Figure 5-3: Detentions by product category (2023)

These results could at least partly be the result of joint enforcement operations organised at EU level such as Ludus III ^(xxvi). A huge number of products in this category detained in Italy (over 81 million articles) in four specific detentions also contributed to this increase in 2023 ^(xxvii).

Packaging material detentions dropped from 3rd to 6th place. Unfortunately, this was offset by the rise of the category “*Labels, tags, stickers*”, from 7th to 4th place which has the same potential negative multiplier effect on the assembly of counterfeit products in the EU.

The potential multiplier effect of the subcategories “*Packaging material*” and “*Labels, tags, stickers*” for producing more counterfeit products by using them on unbranded goods is well known.

In fact, Operation Fake Star, also confirmed last year in Operation Fake Star II, pointed out the import of loose parts. Enforcement authorities considered this as a clear indication that criminals buy unlabelled ‘white goods’, and then add counterfeit features to these products to allow them to be assembled in the IPR infringing product in the country of destination rather than in the country of origin.

Looking at the ranking by [estimated value](#) of categories of products detained a comparison of the top 13 categories in 2022 and 2023 shows that, except for the two leading categories, “*Games*” and “*Recorded CDs/DVDs*”, the categories whose products are more expensive lead the top 7 ranking

“Clothing” (10,2 %), “Watches” (6,7 %), “Bags, wallets, purses” (6.3 %), “Non-sport shoes” (4.2 %) and “Jewellery” (3.8 %). This is a similar situation as it was in 2022.

As mentioned above, the increase in the total [number of articles](#) detained in most of the product categories, in addition to the increase in the unitary estimated value of the detained products explains the increase of around 121 % in the global estimated value of counterfeit products.

5.3. Data per intellectual property right

When looking at the IPRs infringed (^{xxviii}), trade marks, with almost 70 % of the goods detained infringing one or more TM, continue to dominate by far. Copyright and design follow with almost 31 % and over 3 % respectively.

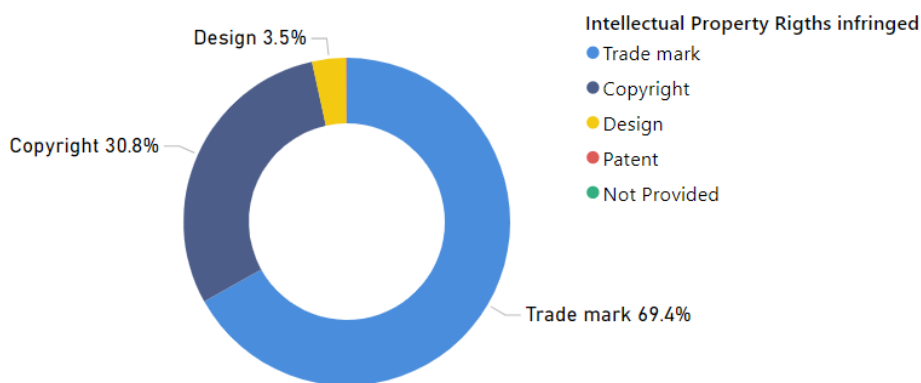


Figure 5-4: Product detentions by IPRs infringed in 2023

A comparison with the 2022 data shows that the proportion of trade marks as an infringed IPR has increased significantly (by more than 20 %) when looking by [volume of articles detained](#). Conversely, the proportion of copyright infringement has decreased by more than 14 %. The share of designs shows a more modest decrease of 1.7 %.

Trade marks remain the dominant IPR infringed across [most of the product categories](#), being infringed in over 90 % of detained articles in 35 of the 41 categories with detention data and in over 80 % of detained articles in further three categories. Designs were mainly infringed in the case of goods belonging to the “Alcoholic beverages” and “Medicines” categories (around 92 % and 85 % of the counterfeit articles detained respectively). Patents were most often reported as infringed IPRs in the “Medicines” category (in over 84 % of the counterfeits detained).

When observing the [value of the detained goods](#), the proportion of the different types of IP rights infringed in 2023, with trade marks accounting for around 70 % of the total estimated value, copyright, for around 29 % and designs, for almost 15 %, has remained essentially unchanged from the previous year. This is in particular the case for trade marks with changes for copyright and designs compared to 2022 when trade marks accounted for around 71 %, copyright for around 20 % and designs for almost 7 %.

5.4. Cooperation between right holders, police and MSAs

Close cooperation between Police, Market Surveillance Authorities and right holders, as well as the quality of information provided by right holders are of utmost importance for risk assessment in the field of IPR protection. In the EU internal market, Right holders can share information through the IP Enforcement Portal ^(xxix) and interact with law enforcement authorities using alerts and reporting of suspicious cases.

Last year, the IP Enforcement Portal was successfully used as a communication tool between rights holders and EU enforcement authorities within some operations carried out under the European Multidisciplinary Platform Against Criminal Threats (EMPACT) framework joint operations (e.g. JAD Pirates, Fake star II, Spare off, Shield, IPTV, Opson and others).

In 2023, the number of potential alerts almost doubled the figures of 2022.

Further, in 2023, EU national enforcement authorities sent over 2 000 alerts to other enforcement forces. When it comes to notifications of detentions of goods suspicious of IPR infringement to right holders, Member States' enforcement authorities have begun to notify registered right holders through the IPEP tool.

6 Conclusions

With over 152 million counterfeit goods at the EU border and the EU internal market altogether, with an **estimated retail value of approximately EUR 3.4 billion**, 2023 marks a significant year in terms of overall results and observed trends.

The results of the detentions at EU borders and within the internal market in 2023 demonstrate a notable predominance of the results within the EU internal market in comparison to those at the EU border.

While there are evident differences in the numbers of detained articles and their estimated values between the results at the EU border and the EU internal market compared to 2022, the analysis highlights considerable similarities in the types of detained articles and the infringed IPRs.

Worth mentioning is the constant appearance and growing importance over the last years in the top 10 list of detained goods of the product categories “*Packaging material*” and “*Labels, tags, stickers*”. In 2023, the presence of “*Packaging material*” and “*Labels, tags, stickers*” in 4th and 5th positions represents a growing risk of domestic production by assembling unbranded goods and the labels/tags/packaging material inside the EU to avoid detentions at the EU border.

Tackling IPR infringing trade remains a challenge. Each mode of transport has its own unique problems for law enforcement authorities, for example the number of access points (e.g., road or air), the physical burden of selecting and opening the container (sea and rail) or the sheer quantity of packages that arrive (e-commerce arriving through express courier and postal services).

In this context, fostering closer collaboration and timely sharing of information and intelligence through the relevant available tools, including IPEP, between customs officers, police, market surveillance agents, and right holders at both national and international levels is crucial.

7 Glossary of Footnotes

(i) EU Market Surveillance authorities also detain dangerous goods due to health and safety concerns related to intellectual property violations. However, the collected data sets on those detentions are not included in this document due to substantial differences in structure and detail.

(ii) Operation [Coin-Up 80](#),

(iii) Only third countries are mentioned. In “all other countries” also EU Member States can appear as country of provenance e.g. when goods are transiting from the first point of entry to another EU Member State (“external transit”).

(iv) Post and express courier are transport modalities which could use different means of transport (e.g. air, road, sea, etc.). However, they are considered transport means for the purposes of this report. As such, the remaining transport means (air, road, sea, etc.) exclude the goods transported under post and express courier modalities (e.g. goods transported by air through the express courier modality are counted as express courier but not as air).

(v) It is important to highlight that the total number of infringed IPRs for the reported detentions exceeds the number of detained goods. This is because a detention may relate to different IPRs as a single article may infringe one or more trade marks, designs, patents, etc. of the original article.

(vi) As explained above, the total number of infringed IPRs for the reported detentions exceeds the number of detained goods.

(vii) EU customs and internal market law enforcement authorities, (i.e. police and market surveillance authorities).

(viii) Greece did not report any 2023 figures on detentions at EU border on time to be included in this factual report.

(ix) Greece did not report any 2023 figures on detentions at EU border on time to be included in this factual report.

(x) Following the approved harmonised reporting rules, the standard value for reporting by Member States is the domestic retail value (DRV), which corresponds to the price at which the goods would have been sold at retail on the Member State market had they been genuine.

(xi) Based on Regulation (EU) No 608/2013, as a result of a detention, goods may:

- be destroyed under the standard procedure, after confirmation from the right holder and agreement from the holder of the goods;
- be destroyed under the procedure for small consignments, after agreement from the holder of the goods;
- be released because the right holder did not react to the notification issued by customs;
- be subject of a court case was initiated by a right holder to determine the infringement;
- be released as they appeared to be genuine goods in the end;
- be released as ‘non-genuine’ goods with a lack of infringement;
- subsequently be dealt with pursuant to national criminal procedures;
- be released after an out-of-court settlement was reached between the right holder and the holder of the goods.

^{xixii} As explained above, only third countries are mentioned.

(^{xixiii}) Cases involving passenger traffic relate to goods brought into the EU by passengers in amounts considered to be of a commercial nature, rather than intended for private use remain limited.

(^{xixiv}) NTM: National Trade Mark; EUTM: European Union Trade Mark; TN: Trade Name; ITM: International registered Trade Mark; ND: registered National Design; CDR: registered Community Design; ICD: International registered Design; CDU: Unregistered Community Design; NCPR: Copyright and related rights; NPT: Patent provided for/by National law; UPT: Patent provided for/by union law; NUM: National Utility Model; CPVR: Community Plant Variety Right; CGIW: Geographical indication for Wine.

(^{xixv}) External transit concerns goods detained on their way from the first point of entry in the EU to their final destination in the EU.

(^{xixvi}) The number of articles detained in transit and transshipment procedures is slightly higher than in other areas due to the prevalence of container traffic (with bigger shipments) in these procedures. Conversely, the largest numbers of cases found as part of import procedures are related to post and express courier, where the number of articles per case is, of course, much smaller.

(^{xixvii}) Right holders may lodge an application for action (AFA), requesting customs to take action in cases where they suspect that an IPR is being infringed. This is a precautionary request that is valid for one year (renewable) for the right holder’s products to be ‘protected’ and taken into consideration by customs authorities in their risk analysis and when carrying out relevant customs controls.

(^{xviii}) 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.

(^{xix}) Annex H describes in detail the methodology used when comparing EU detentions at EU borders with imports. In this sense, it should be noted that the data on detentions to be used is their estimated value in euro. Moreover, one of the main conclusions to be drawn from the methodology is that the breakdown of the indicator by Member State in no way reflects the performance of the enforcement authorities of that Member State in controlling their part of these borders.

(^{xx}) In summary, considering the **detentions** of counterfeit products:

- in custom procedures of import, external transit and warehouse,
- not leading to the release of the detained goods,
- destined for one of the EU27 Member States;

but excluding those detentions:

- of goods belonging to subcategories “*Mobile phone accessories*”, “*Recorded CDs/DVDs*” and “*Other goods*”,

and compared with the **imports** of equivalent goods:

- from third countries
- destined for one of the EU27 Member States.

(^{xxi}) Attention shall be paid to the fact that the ratio of this section shows the value in EUR of detentions of counterfeits per EUR 1 000 of imports. Therefore, the symbol ‘‰’ (per thousand) has been used. Moreover, the correction coefficient for a year described at the end of section H.1.3.3 in Annex H, varies in each series of four consecutive years, as data gaps appear and disappear in the four-year series as the historical series evolve. This variation means that, for a given year, the ratios in this section are not constant from report to report.

(^{xxii}) The methodology used to calculate the ratio of ‘detentions at the EU borders of goods infringing IP rights compared to the total imports of the same category of products passing the EU external border’, the results of which are presented, shows limitations when broken down at Member State level due to the non-alignment between the Member State at whose border the counterfeit goods have been detained (which is the one accounting for the detention) and the Member State of destination of these goods (the one accounting for the imports). The limitations, with their consequences, impediments and remedies currently applied, are described in detail in section G.2 of Annex G. The key consequence of this change is that the resulting ratio does not depend in any way on the performance of the customs authorities of the Member State concerned. At most, it could be an indication of whether the detentions at the EU borders of fake goods destined for that Member State keep pace with the trade towards that Member State.

(^{xxiii}) Due to important detention of personal accessories carried out by Maltese authorities (bags including wallets, purses, cigarette cases and other similar goods carried in the pocket/bag) destined to the Maltese market.

(^{xxiv}) The average of the values in Table 4.4. The darker the colour and the bigger the bubble, the higher the ratio.

(^{xxv}) See the above endnote (I).

(^{xxvi}) [Operation Ludus III](#) was led by Spanish and Romanian enforcement authorities and co-ordinated by Europol and involved law enforcement authorities from 29 countries in total. The European Union Intellectual Property Office (EUIPO) also supported the operation.

(^{xxvii}) <https://siac.gdf.it/Notizie/Pagine/Maxi-sequestro-di-articoli-contraffatti,-videogiochi-e-consolle.aspx>

(^{xxviii}) In 2023 the total number of IPRs infringed in the detentions reported in the IPEP exceeded the number of articles detained for the EU internal market because a detention may relate to different IPRs as a single counterfeit item may infringe one or more trade marks, designs, patents, etc. of the original one.

(^{xxviii}) The IP Enforcement Portal is the EUIPO platform for managing customs Applications for Action (AFAs) and dealing with matters relating to IPR enforcement.

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