



EU enforcement of
intellectual property rights:
results at the EU border and
in the EU internal market 2021

December
2022

PDF TB-04-22-266-EN-N ISBN 978-92-9156-328-9 doi: 10.2814/6921

© European Union Intellectual Property Office, 2022

Reuse is allowed provided the source is acknowledged and changes are mentioned (CC BY 4.0)

Table of Contents

Table of Contents	3
Executive Summary	5
Report Content	10
1 Introduction	10
2 Cooperation between enforcers and right holders	13
2.1. Cooperation between the EU border customs and right holders.....	14
2.2. Cooperation between the EU internal market enforcement authorities and right holders	16
3 Data range and limitations	18
4 Results at the EU border.....	19
4.1. Number of cases, procedures, articles and estimated value.....	19
4.2. Data per results of detention	23
4.3. Data per product subcategory	25
4.4. Data per provenance	29
4.5. Data per freight/passenger traffic	30
4.6. Data per transport	31
4.7. Data per intellectual property right.....	33
4.8. Data per customs procedure	35
4.9. Comparison of detentions at EU borders and estimates of counterfeit products.....	36
5 Results in the EU internal market.....	39
5.1. Number of articles and estimated value.....	39
5.2. Data per Member State	41
5.3. Data per product subcategory	42
5.4. Data per intellectual property right.....	46
6 Overall results.....	48
6.1. Number of articles and estimated value.....	49
6.2. Data per Member State	50
6.3. Data per product subcategory	51
6.4. Data per intellectual property right.....	53

6.5. Comparison of detentions at the EU border and in the EU internal market.....	55
List of figures and tables.....	58
Annexes	61

Executive Summary

Since their agreement in 2020, DG TAXUD and the EUIPO jointly publish an annual document presenting the efforts made and work carried out by all authorities in the domain of the enforcement of intellectual property rights (IPRs). This second edition provides the figures for the detentions of IPR-infringing goods and other related information in 2021.

This factual document on the ‘EU enforcement of intellectual property rights: results at the EU border and in the EU internal market, 2021’, has been produced from the data on the detentions at the EU border reported by the customs authorities of 26 out of 27 EU Member States⁽¹⁾, through the EU-wide anti-counterfeit and anti-piracy information system (COPIS)⁽²⁾, as well as the data on detentions within the internal market reported by the enforcement authorities of 21 out of 27 EU Member States⁽³⁾⁽⁴⁾, through the IP Enforcement Portal (IPEP). Its objective is to provide useful information to support the analysis of IPR infringements in the EU and the development of appropriate countermeasures. On a broader scale, it should provide EU policymakers with data to develop an evidence base for priorities and policies.

Detentions at the EU border in 2021

The annual number of detentions⁽⁵⁾ of goods suspected of infringing an IP right by customs authorities at the EU border increased slightly in 2021 compared to the previous year (from circa

⁽¹⁾ Detentions data are missing from Greece for the year 2021.

⁽²⁾ In accordance with the relevant EU customs legislation (and in particular Regulation (EU) No 608/2013), COPIS is the EU-wide anti-Counterfeit and anti-Piracy Information System containing all applications for action and all detentions. COPIS is the only legal channel for sharing information between right holders and customs.

⁽³⁾ To be succinct, the part of the EU internal market corresponding to a Member State will be referred to, throughout the document, as the Member State’s national market.

⁽⁴⁾ Records on national market detentions are not available from the Austrian and German enforcement authorities, the first because their regulations do not allow the police to execute *ex officio* seizures of counterfeit or pirated goods in the national market, and the second because they have not yet joined the data provision network. Moreover, data for 2021 detentions are still missing from Denmark, Luxembourg, Slovenia and Sweden, although the absence of their data in 2021 does not modify at any point the global picture of the trends.

⁽⁵⁾ Each detention is called a case, which includes a number of individual articles, ranging from one to several million, and may cover different categories of goods and different right holders. For each right holder in a case, a procedure will be initiated by customs.

70 000 in 2020 to circa 75 000 in 2021). The number of initiated procedures has also increased from approximately 102 000 in 2020 to approximately 124 000 in 2021. A more pronounced development can be observed with regard to the number of detained articles (from approximately 27 million in 2020 to approximately 42 million in 2021), even exceeding the pre-COVID-19 pandemic figure in 2019. However, the estimated value of the detained articles has only increased modestly (from approximately EUR 778 million to approximately EUR 806 million). The shift in the basket of products detained from expensive products towards categories of cheaper products, as well as the reduction of the estimated value per unit in some of the categories of articles detained (both among the most numerous and among the most expensive), explained the modest increase of the estimated value of the detained goods in 2021. This occurred despite the huge increase in the number of articles detained that year, which was the second year of the COVID-19 pandemic. All these increases have been reported, despite the missing data on detentions at the Greek border ⁽⁶⁾.

In terms of the number of procedures, the product subcategories ⁽⁷⁾ that appeared the most were common consumer products (Clothing and Footwear, both sport and non-sport shoes) and luxury products (Bags, wallets and purses, Perfumes and cosmetics and Watches). In terms of the number of articles detained, the subcategories in which the unitary item is usually smaller in size and in value and that are mainly transported in bigger shipments such as in containers (Packaging material, Other goods, Mobile phone accessories, Toys and Other body care items) took all top five positions. Regarding the estimated value of the products detained, luxury products whose corresponding genuine item has a high unitary domestic retail value (in particular due to the brands involved), such as Watches, Clothing, Bags, wallets, purses and Jewellery, clearly led the ranking, with an unusual product (Mobile phone accessories) in between, the latter caused by the high volume of items detained of this category of goods.

As to the provenance of the articles infringing IPRs arriving in the EU, the volumes show the primacy of China, followed by Türkiye and Hong Kong, China. China is the predominant country of provenance for the majority of the categories of goods. Moreover, among the identified ⁽⁸⁾ detained goods infringing IP rights coming from China, the category of goods most detained is Packaging

⁽⁶⁾Historically representing between 5 %-6 % of the detentions of counterfeit at EU border, in terms of number of items and estimated value respectively.

⁽⁷⁾For a complete overview of categories and subcategories see Annex E and Annex F.

⁽⁸⁾Subcategories of identified products exclude that of Other goods.

material. Among those coming from Türkiye, Clothing prevails while the most identified detained items coming from Hong Kong, China, are Labels, tags and stickers.

In terms of means of transport, the highest number of detention cases in 2021 continued to be goods transported via post and express courier. However, over the last few years the detention cases of goods transported by post have been continuously decreasing, whereas detention cases of goods transported by express courier have been increasing. In terms of number of counterfeit articles, detentions in sea traffic and road still account for the majority of all detained articles, while an increase can be noted in air, express courier and post.

Finally, in terms of IPR types infringed by the detained goods, trade marks (either European Union, national and/or international) continued to be, by far, the most infringed type.

The products reported as detained at the EU border due to IP rights infringement remain however over the years only a fraction of the estimated counterfeit and pirated goods that entered the EU market. For example, when compared with the estimated volume of such goods in OECD-EUIPO reports conducted on illicit trade, the counterfeit goods detained at the EU border represented not less than 0.73 % of the estimated value of counterfeit goods passing the border in 2013, whereas in 2016 and 2019 the value represented respectively at least 0.38 % and 0.45 %.

Detentions within the EU internal market in 2021

The trend of IPR-infringing goods detained in the EU internal market increased in 2021 compared to the previous year. Indeed, according to the figures reported by police, customs and market surveillance authorities, the number of IPR-infringing goods reported as detained in 2021 (53 million) was approximately 7 million higher than that of 2020 (46 million), representing a 16 % annual increase. This increase happened despite the fact that some internal market enforcement authorities that had reported in 2020 did not provide figures for 2021, and taking into account that their detentions in 2020 were marginal. Despite that increase in the number of items detained, the estimated value of those items (approximately EUR 1 253 million) decreased by EUR 46 million, representing a 3.5 % annual decrease, due to the basket of the subcategories detained shifting towards those of cheaper products.

For both the number of items detained and the estimated value, the top six Member States accounted for more than 95 % of total detentions in the internal market during 2021. Italy clearly led the way, with almost 62 % in terms of the number of items, and with over 63 % in terms of estimated value. France, the Netherlands, Spain and Hungary also ranked in the top six in both the number of items and the estimated value, whereas Portugal and Greece completed the ranking in terms of number of items detained and estimated value respectively.

In the top five product subcategories, Other goods ranked first in terms of number of items reported as detained within the EU internal market, followed by Cigarettes and Labels, tags and stickers, and by Clothing and by Audio/video apparatus to a lesser extent. In terms of their estimated value, a group of four subcategories (Textiles, Clothing, Audio/video apparatus and Non-sport shoes) shared the leading role with similar total percentages, followed by Cigarettes.

Lastly, trade marks stand for the most infringed IPR type in detentions in the EU internal market (over 93 % of the articles detained). Other types of rights were infringed in the internal market, such as copyrights (in circa 6 % of the items detained) and designs (circa 0.7 %).

Overall detention data in 2021: aggregated data at the EU border and in the EU internal market

The volume of fake items detained and not released in the EU was approximately 86 million items in 2021⁽⁹⁾. This shows a significant increase of almost 31 % of the number of items reported as detained and not released compared to 2020 (66 million items). Approximately 62 % of those were detained in the internal market and the rest at the EU border.

The estimated value of fake items detained in the EU amounted to over EUR 1.9 billion. This value represents a decrease of circa 3 % compared to the previous year, despite the increase in the number of items. This contradiction matches with the overall picture of the detentions of counterfeits in the internal market, as previously explained before. In 2021, almost 65 % of the total value of detained items was accounted for by detentions in the internal market, while the remaining resulted from detentions at the EU border. These percentages are in line with those in 2020.

⁽⁹⁾ As explained in section 6, the data on overall detentions does not correspond exactly with the data on detentions at the EU border plus those on detentions in the EU internal market, because the counterfeit goods detained at the EU border but later released are not recorded in the overall results.

The 10 Member States with the highest number of detentions reported accounted for almost 97 % by volume and over 93 % by estimated value of the items. Italy recorded the highest individual share by volume, with over 39 % of the total detentions, and by estimated value, with more than 41 %.

Overall, the five most common subcategories of identified detained products, in terms of the number of items detained in the whole EU, were Packaging material, Cigarettes, Labels, tags, stickers, Clothing and Toys. These five subcategories accounted for more than 53 % of the products recorded. In terms of the estimated value of the items reported, the subcategories of products identified were led by Clothing, Watches, Audio/Video apparatus, Textiles and Non-sport shoes. These five subcategories represented almost 54 % of the estimated value of detentions reported during 2021.

Report Content

1 Introduction

According to the OECD-EUIPO reports' estimates⁽¹⁰⁾, the trade in counterfeit and pirated goods in the European Union represented up to 5.8 % of EU imports in 2019. This figure illustrates that intellectual property crime (IP crime) constitutes a real threat to the economy but also to the health and safety of consumers and EU environmental security⁽¹¹⁾, and shows the increasing need for coordinated actions against IP crime.

Criminal networks involved in IP crime rely heavily on digital networks following the current trend of e-commerce (see again footnote 11), while consumers increasingly go online for most purchases. The entry of counterfeit from clandestine markets and illegitimate channels into the legal supply chain and the wider range of increasingly specialised and complex counterfeit goods, will be the challenges for this new era and will surely shape the scope of those coordinated actions.

While affected in 2020 – the most severe year in terms of COVID-19 restrictions – the counterfeiting business unfortunately resumed its usual pattern in 2021, at least this is what the figures of reported detentions of counterfeit goods seem to indicate. Over the last decade, the counterfeiting of goods has evolved: they have gone from lighters to e-cigarettes and vape liquids, from medicines to masks, medical surgery instruments and prostheses, from bags to travel equipment, from t-shirts and sports shoes to all types of clothing or from automotive parts to diagnosis software for vehicles.

Certainly, at present, anyone can access a wide range of goods from a plethora of physical or online distribution channels. Consequently, controlling and supervising these channels – both legal and, especially, illegal – is becoming increasingly complicated for enforcement authorities.

The proliferation of new counterfeit goods should have trained a generation of consumers to be sceptical and careful about what they buy but there is still an evident problem of awareness. Although the proportion of Europeans who admitted having recently purchased counterfeit goods could be

⁽¹⁰⁾ The results from the different OECD-EUIPO reports estimated that the trade in counterfeit and pirated goods in the EU represented up to 5.1 % of EU imports in 2013, 6.8 % in 2016 and 5.8 % in 2019. See footnotes 30, 31 and 32.

⁽¹¹⁾ EUIPO-EUROPOL (March 2022), [Intellectual Property Crime Threat Assessment](#)

seen as low (5 %), it is still, in absolute terms, a very significant phenomenon, considering the size of the EU's population⁽¹²⁾. Its significance is even higher in the category of the young population, the one most present on social media. The EUIPO Observatory's Intellectual Property and Youth Scoreboard study⁽¹³⁾ indicates that 37 % of young people in the 27 EU Member States intentionally purchased a counterfeit product, almost tripling the ratio reported 3 years earlier⁽¹⁴⁾. Similarly worrying, the rate of young EU citizens declaring themselves unable to distinguish counterfeits in 2022 (31 %) was five times higher than 3 years ago. These worrying trends seem to confirm the aforementioned problem of awareness, particularly among young EU citizens.

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

Fortunately, IP crime and counterfeiting have again been included in the list of priorities in EMPACT⁽¹⁵⁾ with a specific focus on goods that are harmful to consumers' health and safety, to the environment and to the EU economy.

One of the key measures to effectively combatting and reducing this threatening evolution of the phenomenon of counterfeiting is collaboration and sharing information and technical and human resources. In December 2021, the European Commission – Directorate-General for Taxation and

⁽¹²⁾ EUIPO (November 2020), [European citizens and intellectual property: perception, awareness, and behaviour](#)

⁽¹³⁾ EUIPO (June 2022), [Intellectual Property and Youth Scoreboard](#)

⁽¹⁴⁾ EUIPO (October 2019), [Intellectual Property and Youth Scoreboard](#)

⁽¹⁵⁾ [EMPACT](#) (European Multidisciplinary Platform Against Criminal Threats) is a multidisciplinary, intelligence-led and evidence-based EU initiative that aims to tackle the main crime threats faced by the EU. First implemented between 2012 and 2013, it included IP crime as a priority for the very first time in the 2014 to 2017 cycle. In March 2021, the Council adopted conclusions on the permanent continuation of EMPACT as a key instrument for operational cooperation to fight organised and serious international crime and again included IP crime as one of its priorities.

Customs Union, Unit A4 ‘Protection of citizens and enforcement of IPR’ – and the European Observatory on Infringements of Intellectual Property published the first joint overview of the detentions of items infringing IPRs at the EU border and in the EU internal market: a kind of summary of the work carried out in 2020. The current publication presents the results of the enforcement of IPRs for 2021.

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

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

2 Cooperation between enforcers and right holders

Close cooperation between right holders and enforcement authorities, and the quality of the information shared, are of key importance for the latter's coordinated enforcement work, both at the EU border and in the EU internal market. A continuous and effective use of appropriate and secured bidirectional communication channels contributes to the necessary sharing of information between the stakeholders (customs officers, police officers and market surveillance authorities' officers and right holders).

Applications for action (AFA) are the means whereby right holders can request customs officers to act and to enforce their IPRs in accordance with Regulation (EU) 608/2013 of the European Parliament and of the Council⁽¹⁶⁾. All AFAs are registered by customs in the EU database, COPIS. The process is further explained in section 2.1.

The IP Enforcement Portal (IPEP)⁽¹⁷⁾ offers right holders the possibility of filing AFAs in any language of the EU. These AFAs automatically reach COPIS, where enforcers throughout the EU can manage the applications for action.

The IPEP is also a two-way communication system between enforcement authorities and right holders, providing not only the possibility of sending AFAs but also a system for sending alerts in a secured way about potential infringements to enforcement authorities⁽¹⁸⁾, and in particular to police forces. These alerts are a way of attracting the attention of enforcement authorities.

In 2020, a total of 1 576 alerts about potential infringements were sent by right holders through the IPEP and were received by 68 EU internal market or EU border enforcement authorities. One year

⁽¹⁶⁾ [Regulation \(EU\) No 608/2013 of the European Parliament and of the Council](#) of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181, 29.6.2013, p. 15).

⁽¹⁷⁾ The IP Enforcement Portal (IPEP) also contains a statistical module of, in particular, detentions of goods infringing IPRs in the EU internal market, which was launched in 2013 when, following the mandate to the European Observatory on Infringements of Intellectual Property Rights (the Observatory), the EUIPO made the database available to all law enforcement authorities in every EU Member State.

⁽¹⁸⁾ Named 'Alerts to Police' in the IPEP.

later, in 2021, the total number of alerts increased: 2 011 alerts about potential infringements were sent by right holders and were received by 70 enforcement authorities.

If enforcement authorities suspect an infringement, IPEP also allows them to contact the right holders swiftly and securely to confirm their suspicion. In 2020, 390 suspicious cases were communicated by 13 enforcement authorities from both the EU border and the EU internal market. In 2021, 452 suspicious cases were communicated by 8 enforcement authorities, which consolidated the increasing use of this function.

Once again, the EUIPO's training activities on IPEP significantly increased from 2020 to 2021. The number of training sessions for enforcers almost doubled, from 8 in 2020 to 15 in 2021, while the training sessions for right holders more than tripled, from 206 to 678.

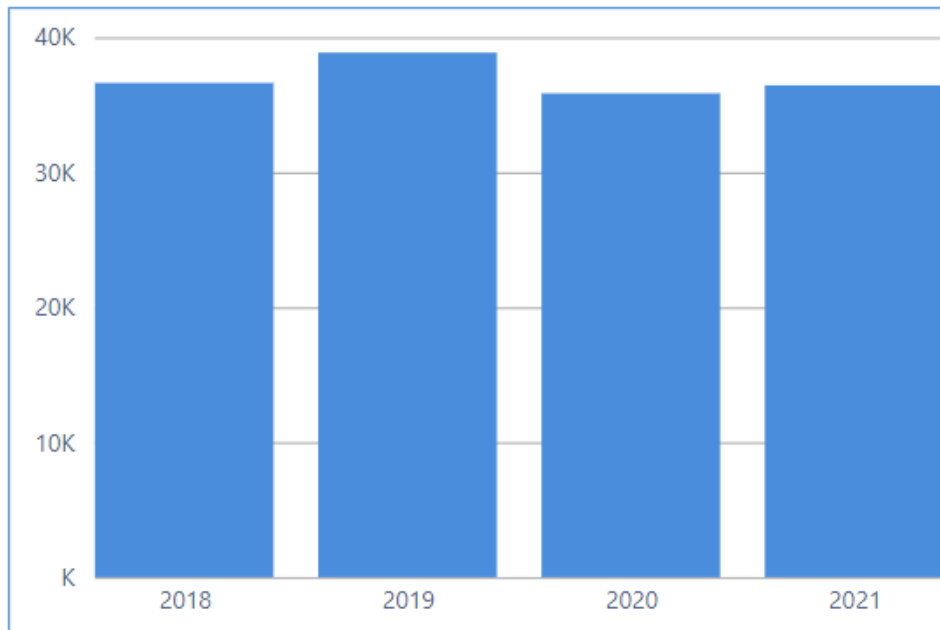
2.1. Cooperation between the EU border customs and right holders

For risk assessment in the field of IPR protection, close cooperation between customs and right holders, as well as the quality of information provided by right holders in their communications are of utmost importance.

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

The European Commission, in cooperation with the EU Member States, has established a manual for right holders to explain the procedure for lodging and processing AFAs (see also the Directorate-General for Taxation and Customs Union's website: https://taxation-customs.ec.europa.eu/customs-4/prohibitions-and-restrictions/counterfeit-piracy-and-other-ipr-violations/defend-your-rights_en).

In 2021, 2 123 national AFAs and 1 430 EU AFAs were submitted to the customs authorities. As an EU AFA concerns two or more Member States, it is counted as several applications, that is, equal to the number of Member States in which action is requested. This resulted in 36 444 AFAs in 2021.



Year	Applications
2018	36 617
2019	38 866
2020	35 844
2021	36 444

Figure 2-1: Number of applications for action 2018-2021

This number of AFAs (both national and EU) applicable in Member States has increased compared to 2020 (an increase of nearly 1.7 %). However, it still decreased compared to the pre-COVID-19 pandemic figures (a decrease of 6 % vis-à-vis 2019 and of 0.5 % compared to 2018).

EU customs also have the power to act *ex officio* if they suspect an IPR infringement. In such procedures, customs have to identify the right holder, who must submit a national application within four working days for customs to be able to continue the detention or suspension of the release of the goods. In line with previous years, the majority of customs actions were initiated by a prior application by the right holder. Although still a minority, after several years of slow decrease, the percentage of *ex officio* detentions has continued to increase in 2021, reaching 3.51 % of all cases (see Figure 2-2).

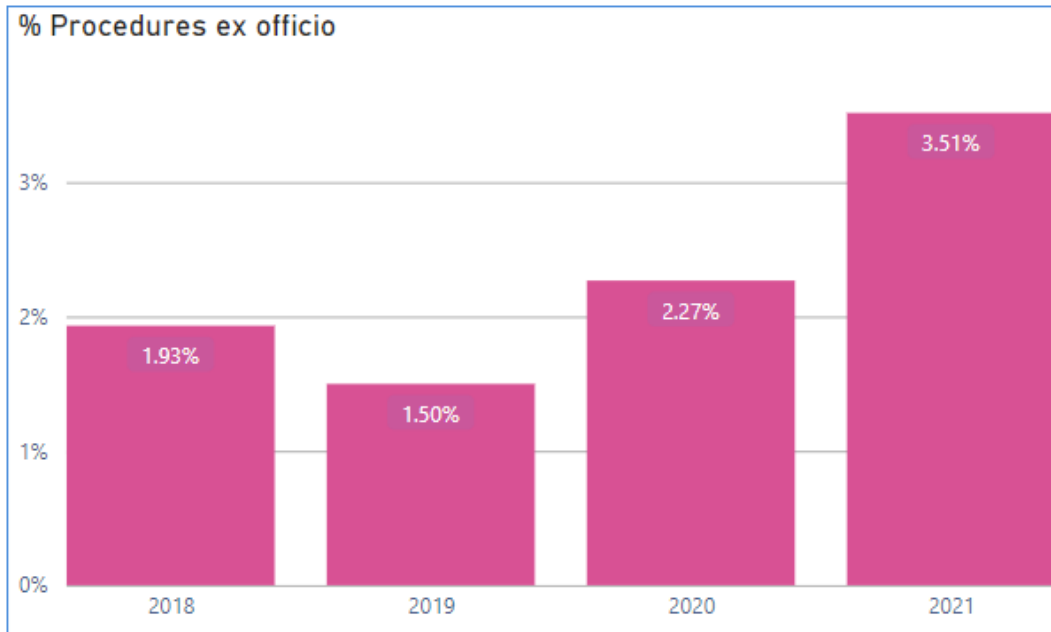


Figure 2-2: Percentage of *ex officio* procedures 2018-2021

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

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

In 2021, a total of 25 right holders sent 68 potential infringement alerts about counterfeit products in the EU internal market through the IPEP, which were received by 27 EU national market enforcement authorities. In 2020, 16 right holders had sent 975 potential infringements alerts and these were received by five EU national market enforcement authorities.

Potential infringement alerts can be sent to one or multiple enforcement authorities. In 2020, the number of alerts to multiple enforcement authorities was much higher, which explains the large amount of infringements alerts. In 2021, by contrast, the alerts were more focused on specific enforcement authorities. This seems to show a trend to focus the alerts to the relevant enforcement authority rather than sending general alerts to all of them.

Moreover, in 2021, 8 EU internal market enforcement authorities exchanged information with 34 right holders about a total of 440 suspicious cases. This represents a large increase compared with the previous year ⁽¹⁹⁾.

⁽¹⁹⁾ These figures are a subset of those presented at the beginning of section 2.

3 Data range and limitations

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

In addition to the usual limitations, it is important to specifically highlight for the present 2021 detentions report that:

- the data on 2021 detentions of counterfeit products at the Greek border of the EU, which during the period 2018 to 2020 represented on average more than 5 % of the number of articles detained at EU borders and more than 6 % of their value, has not been reported and made available for the analysis;
- following the United Kingdom's exit from the EU, the 2018 and 2019 data on the detentions of counterfeit products at the United Kingdom EU border has been removed for comparison purposes⁽²⁰⁾.

⁽²⁰⁾ In practice this means that none of the totals for 2018 and 2019 (in particular those in Figure 4-1, Figure 4-2, Figure 4-3: and Figure 4-4) coincide with those presented in previous years' reports.

4 Results at the EU border

This section and its annexes contain statistical information about the detentions made under customs procedures, and includes data on the description, quantities and value of the goods, their provenance, the means of transport used and the type of IPRs that were infringed.

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

The statistics are established based on the data transmitted by Member State administrations ⁽²¹⁾, in accordance with Regulation (EU) No 608/2013, which lays down the provisions concerning customs enforcement of IPRs, including provisions on transmission of relevant information by Member States to the European Commission.

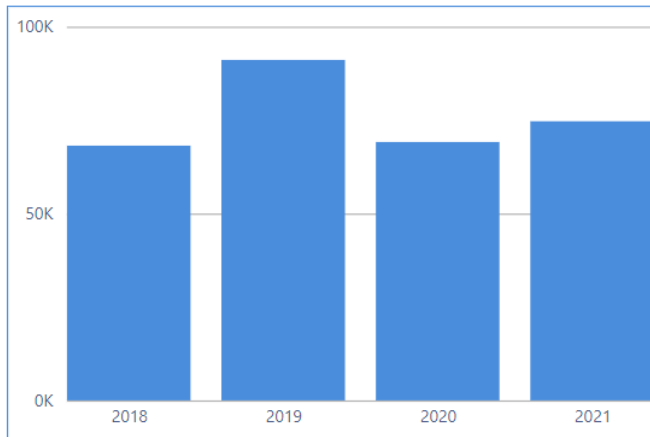
4.1. Number of cases, procedures, articles and estimated value

The total number of cases ⁽²²⁾ increased by 8 % in 2021 ⁽²³⁾, although not for all transportation modes (see Figure 4-13 in section 4.6 for more details). In 2021, which was the second year of the COVID-19 pandemic, express courier and road interception cases have shown a remarkable increase compared to 2020. For both transportation modes (which increased 66 % and 80 % respectively), the 2021 absolute figures were higher than in the pre-pandemic years.

⁽²¹⁾ As already mentioned, the Greek customs 2021 detention dataset has not been made available for this analysis.

⁽²²⁾ Each case represents an interception by customs.

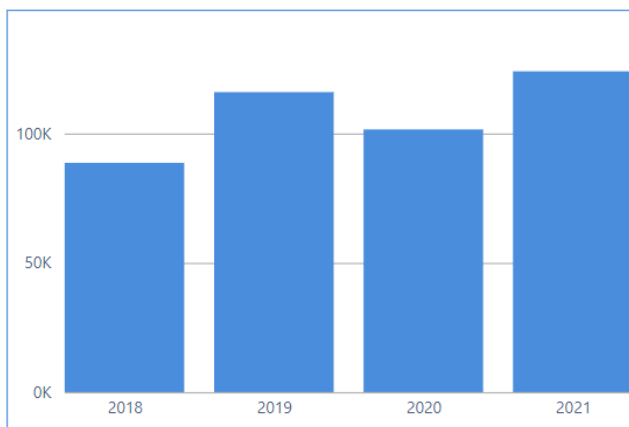
⁽²³⁾ See footnote 21.



Year	Number of cases
2018	68 161
2019	91 099
2020	69 147
2021	74 688

Figure 4-1: Number of cases registered

The number of procedures, of detained articles and their estimated value also increased from 2020 to 2021 (around 22 %, 56 % and 4 % respectively) ⁽²⁴⁾.



Year	Number of procedures
2018	88 653
2019	115 997
2020	101 570
2021	124 040

Figure 4-2: Number of procedures initiated

⁽²⁴⁾ See footnote 21.

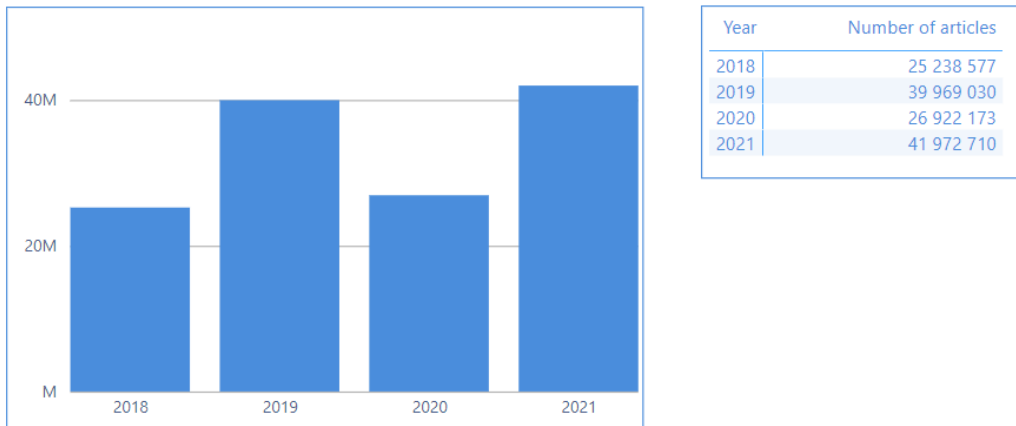


Figure 4-3: Number of articles detained

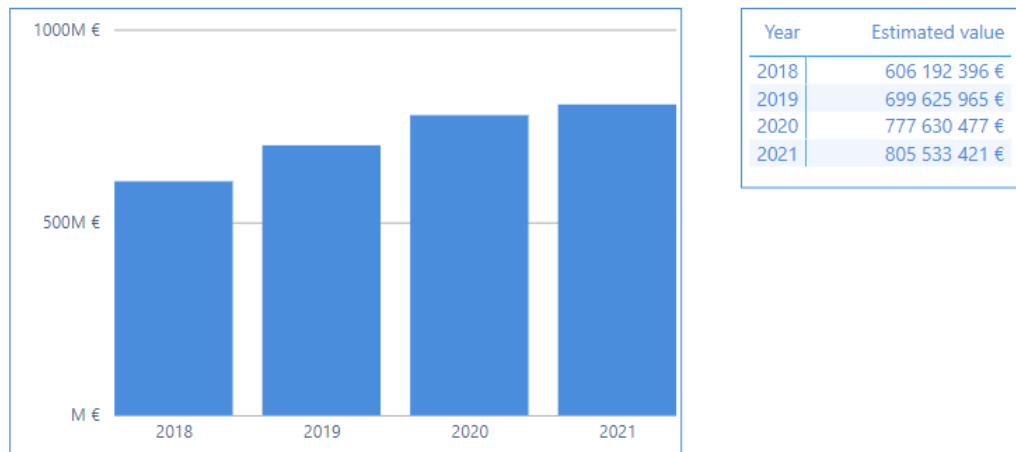


Figure 4-4: Estimated value of the detentions

Three parameters may determine potential changes in the estimated value of items detained each year compared to the previous year:

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

As will be seen in section 4.3, the shift in the basket of products detained towards categories of cheaper products (in particular Packaging material) as well as the reduction of the estimated value

per unit in some of the categories of articles detained (both in the most numerous as Packaging material but also in the most expensive as Watches) explained the modest increase in the estimated value of the detained goods, despite the huge increase in the number of articles detained.

The top 10 Member States ⁽²⁵⁾ in terms of number of cases accounted for almost 91 % of the overall number of cases, whereas the top 10 Member States in terms of number of articles accounted for over 94 % of the overall number of articles detained. Six Member States (Belgium, Bulgaria, Germany, Spain, Italy, and the Netherlands) appear in the top 10, both in terms of number of cases and number of counterfeit goods detained ⁽²⁶⁾ (see section C.1 in Annex C for more details).

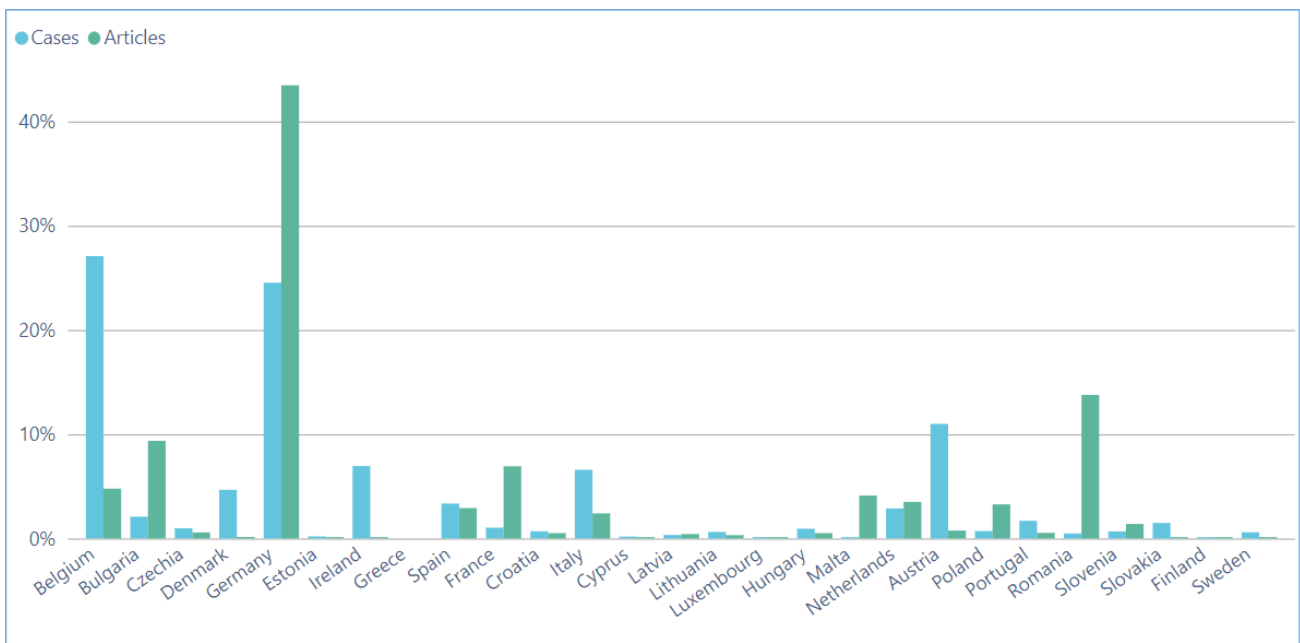


Figure 4-5: Overview of Member States in terms of percentage of cases and articles 2021

⁽²⁵⁾ See footnote 21.

⁽²⁶⁾ Hereinafter, the expression ‘counterfeit goods/items detained’ will be used for those articles clearly identified as non-original that infringe an IPR. Also, the expression ‘items suspected of IPR infringement’ may be used since some items could finally be released either because the right holder did not take any action or because it was finally proved that the goods were original or, even being fake, they did not infringe any IPR in the destination country.

4.2. Data per results of detention

In 2021, the detentions of goods by customs resulted in the following:

- goods were destroyed under the standard procedure pursuant to Article 23 of Regulation (EU) No 608/2013, after confirmation from the right holder and agreement from the holder of the goods;
- goods were destroyed under the procedure for small consignments in accordance with Article 26 of Regulation (EU) No 608/2013, after agreement from the holder of the goods;
- goods were released because the right holder did not react to the notification issued by customs;
- a court case was initiated by a right holder to determine the infringement;
- goods were released as they appeared to be genuine goods;
- release of 'non-genuine' goods as a result of lack of infringement⁽²⁷⁾;
- following detention, goods were subsequently dealt with pursuant to national criminal procedures;
- an out-of-court settlement was reached between the right holder and the holder of the goods, after which the goods were released.

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

As explained in footnote 27 and in the list above, goods that appeared to be non-infringing genuine goods, goods in relation to which the right holder did not take any action, or non-genuine goods with regard to which no infringement was established, were released from detention based on Regulation

⁽²⁷⁾In certain cases, goods are suspected of being counterfeit but are released because they are detained in a situation that does not lead to an infringement. This would be the case for instance when a private person sends the goods to another private person as a gift. In such cases, providing the private person can prove that the goods are indeed gifts, no commercial transaction would be involved (which is needed to establish the infringement).

(EU) No 608/2013. However, this does not exclude the possibility that these goods were also detained based on other legislation relating to prohibitions or restrictions.

In more than 90 % of the procedures, either the goods were destroyed under the standard procedure or the procedure for small consignments, or a court case was initiated to determine the infringement, or they were handled as part of criminal proceedings, or an out-of-court settlement was reached. In 7.14 % of the procedures, the goods were released because no action was taken by the right holder after receiving notification from the customs authorities; almost 2 % of the 7.14 % concerned *ex officio* procedures. In 2.81 % of the detentions, customs authorities released the goods because they appeared to be non-infringing genuine goods or because there was a non-infringing situation.

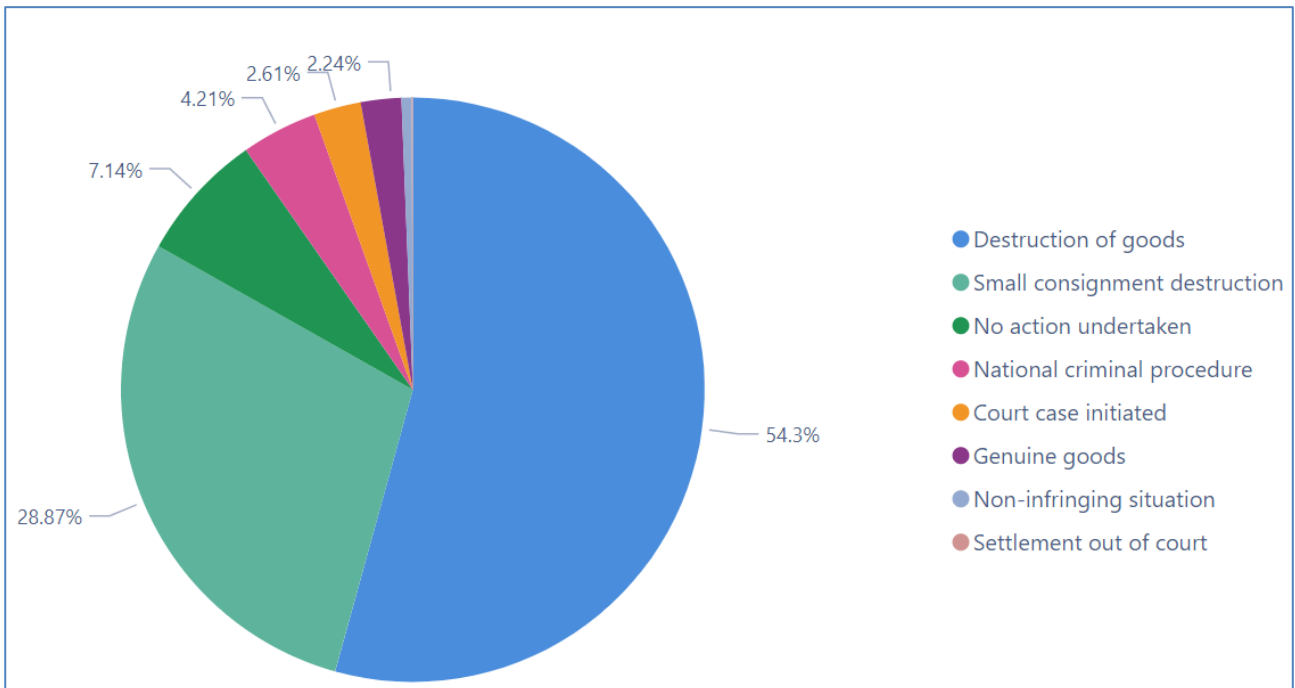


Figure 4-6: Breakdown of result by procedure 2021

In absolute numbers, this gives the following results:

Result of the procedure	Number of procedures	Number of articles
Destruction of goods	67 348	29 575 935
Small consignment destruction	35 814	69 530
No action undertaken		
Application	6 433	2 675 863
ex officio	2 420	931 692
National criminal procedure	5 226	1 921 847
Court case initiated	3 242	1 468 643
Genuine goods	2 779	4 516 689
Non-infringing situation	703	761 323
Settlement out of court	75	51 188

Table 4-1: Number of procedures and number of articles detained in 2021 by result of the procedure

4.3. Data per product subcategory

In terms of numbers of identified counterfeit goods detained, the top three categories are Packaging material, Mobile phones accessories and Toys. Similarly to 2020, Packaging material (mainly for cigarettes) leads the ranking, almost doubling its share compared to 2020, while Mobile phones accessories moved up to 2nd place and Toys to 3rd place (occupied in 2020 by Foodstuffs and Clothing). Perfumes and cosmetics, as well as Other body care items (very much related to health and safety risks), Vehicle accessories and Office stationary were not among the top 12 identified categories in 2020. These items entered the ranking in 2021, replacing the categories Foodstuffs, Lighters, Sport shoes and Games.

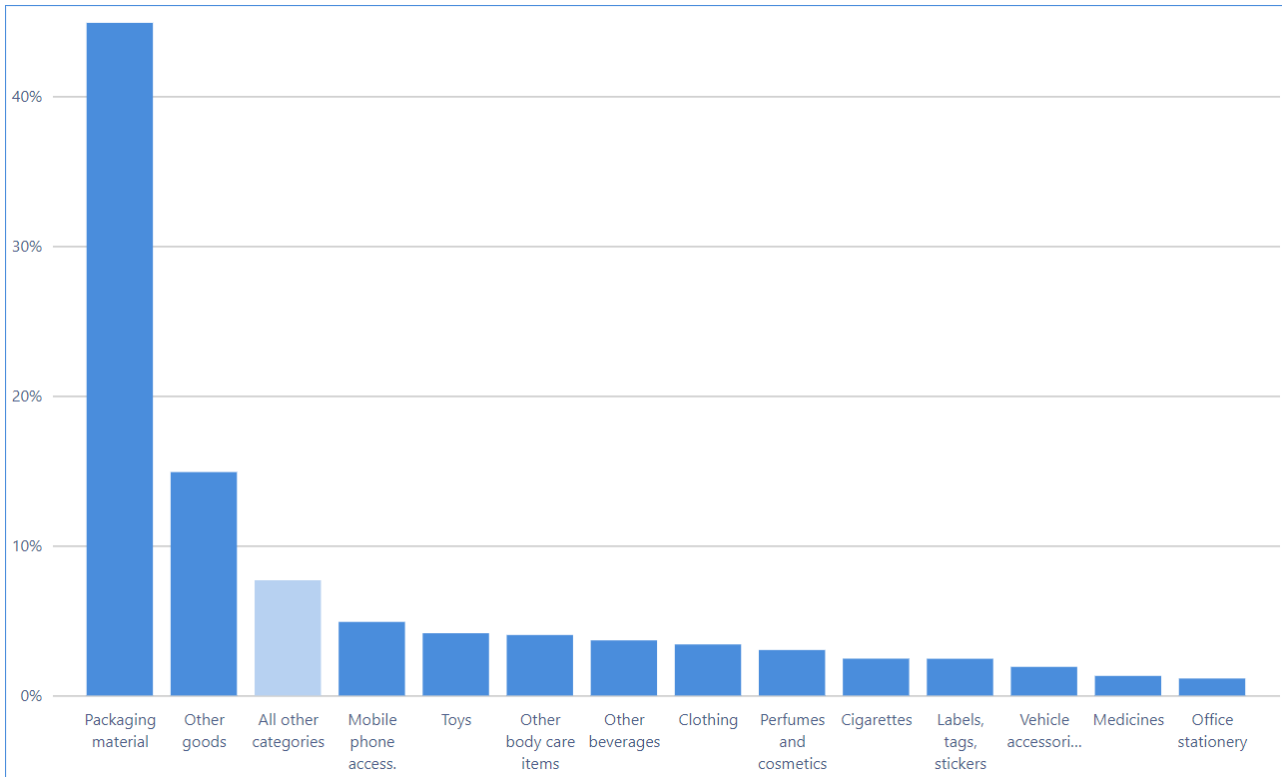


Figure 4-7: Top categories by number of articles 2021

In terms of the number of procedures, Clothing and Sports shoes constantly appear and remain this year among the top three categories. Moreover, for the second year in a row, Bags, wallets, purses remain at 3rd position in the top three ranking. The top detained categories in terms of procedures are typically goods that are often ordered online and shipped by post or express courier (see section C.11 in Annex C).

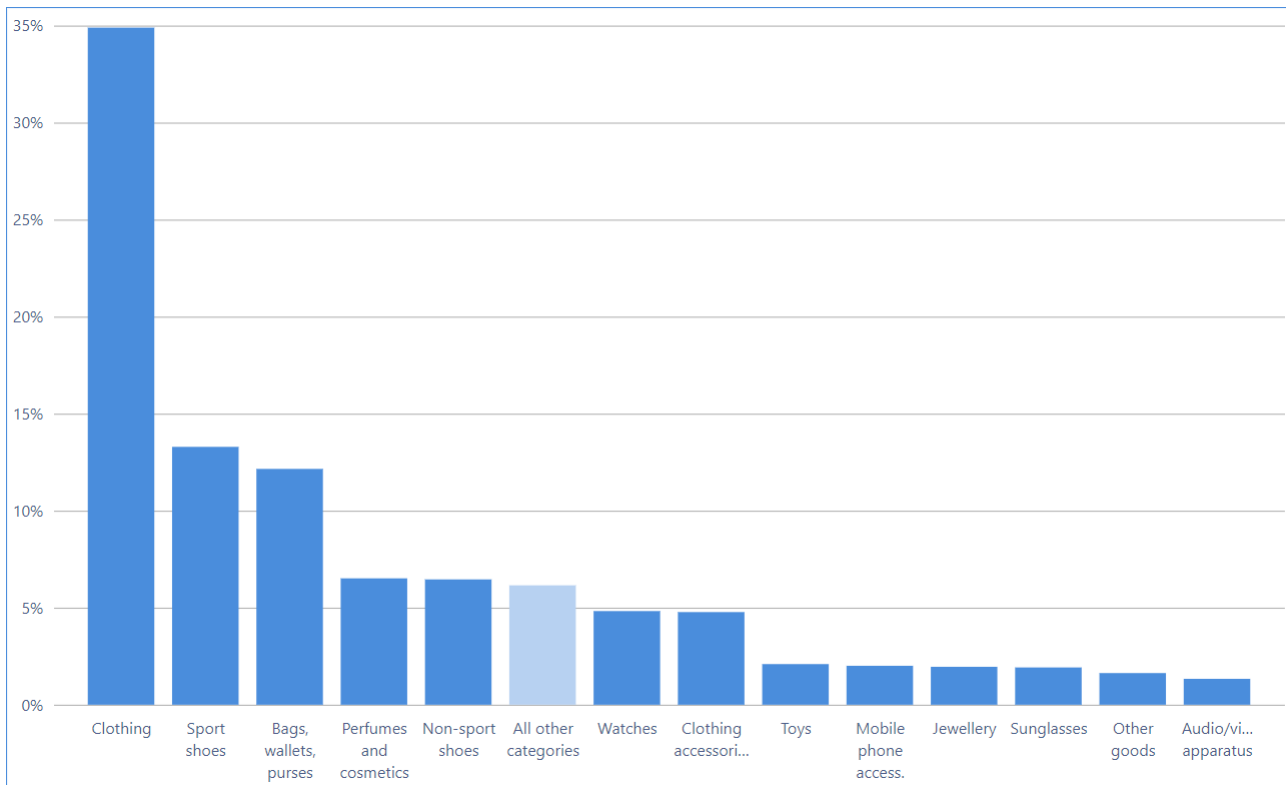


Figure 4-8: Top categories by number of procedures 2021

Following the approved harmonised rules for reporting, 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.

Based on the DRV, there has been only one change in the top three categories of products in terms of value compared to 2020: the first two remained the same, Watches and Clothing, whereas Mobile phones accessories replaced Bags, wallets, purses at 3rd position (see section C.2 in Annex C for an overview of all categories).

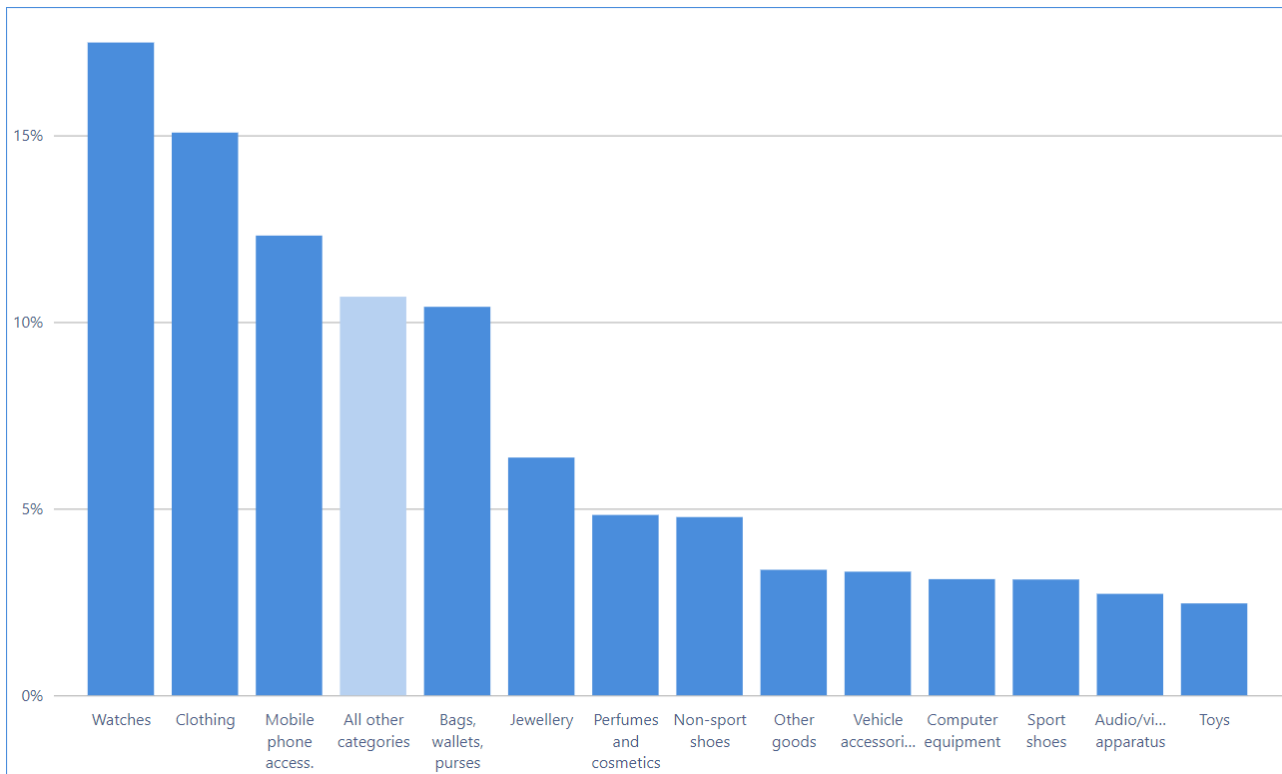


Figure 4-9: Top categories by value 2021

As pointed out in section 4.1, the shift in the composition of the basket of the categories of products detained from more expensive to cheaper products between 2020 and 2021 is the first reason for the increase in the estimated value of the detentions between these years (approximately 4 %) not being commensurate with that of the number of items detained (approximately 56 %). Indeed, the volumes of products much cheaper than the average (EUR 20-29 per item), such as Packaging material (EUR 0.20-0.30 per item), Other goods (EUR 4.10-4.30 per item) and Other body care items (EUR 1.90-3.70 per item) have sharply increased in terms of share of the total detentions (respectively from 23 % to 45 %, from 7 % to 15 % and from 1 % to 4 %), causing a shrink of approximately 29 % of the estimated value of the products detained.

Moreover, the reduction of the unit price of some of the most abundant categories (Packaging material from EUR 0.35 per item to EUR 0.21 per item or Mobile phone accessories from EUR 69 per item to EUR 48 per item) and of some of the most expensive categories (in particular Watches from EUR 3 350 per item to EUR 1 740 per item) has caused a supplementary shrink in the total estimated value of 23 %.

Those two changes are the reasons why, despite the sharp increase of approximately 56 % in the number of items detained compared to the previous year described in section 4.1, their estimated value has only grown the modest 4 % indicated in the same section. Indeed, whereas the average unit estimated value of a detained product in 2020 was EUR 28.88 per item, in 2021 it was EUR 19.19 per item (circa one third lower). The shift in the composition of the basket towards cheaper products accounts for 55 % of that drop, whereas the absolute reduction of unit prices explains the remaining 45 %.

4.4. Data per provenance

China is still the main country of provenance (70 %) where suspected IPR infringing goods arrived from when they were detained, and where those goods were subsequently not released. Indeed, in terms of articles detained, China remained – as in previous years – on top as the country of provenance, followed by Türkiye (with a steadily increasing trend) and Hong Kong, China. For China, the category of Packaging material was on top in terms of the number of detained articles, while in the case of Türkiye, the predominant category was Clothing. For Hong Kong, China, it was Labels, tags, stickers. Vietnam (Packaging material) and Cambodia (Cigarettes) complete the top five.

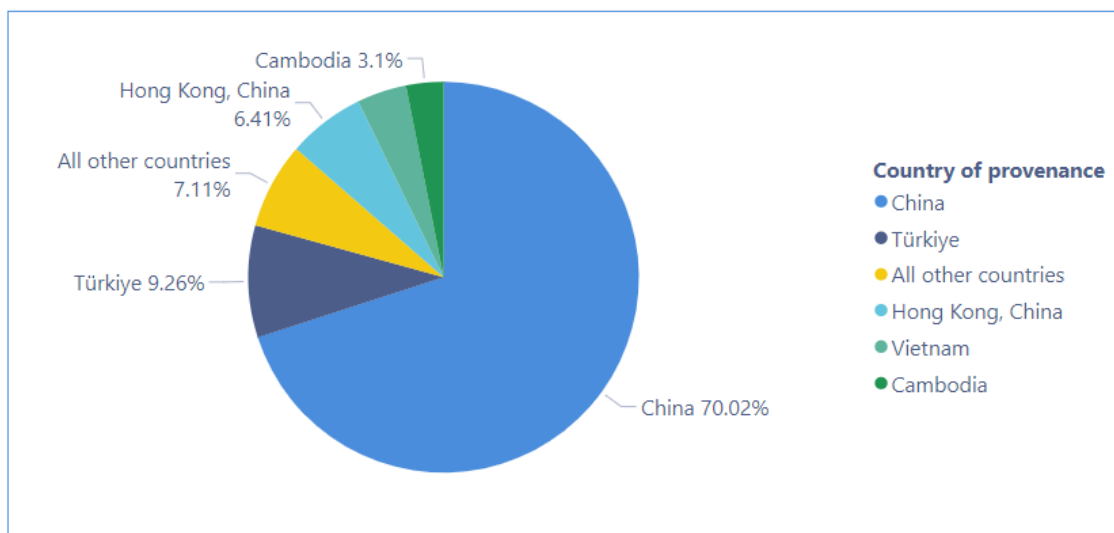


Figure 4-10: Country of provenance by number of articles 2021

With regard to countries of provenance in relation to the value of the items detained, China (for Mobile phone accessories) remains, as in 2020, on top of the list, followed by Hong Kong, China (for Watches) and Türkiye (for Clothing). China’s dominance in value is slightly in decline compared to Hong Kong, China and Türkiye. Cambodia (for Cigarettes) and United Arab Emirates (for Vehicle accessories) complete the top five countries of provenance in terms of value.

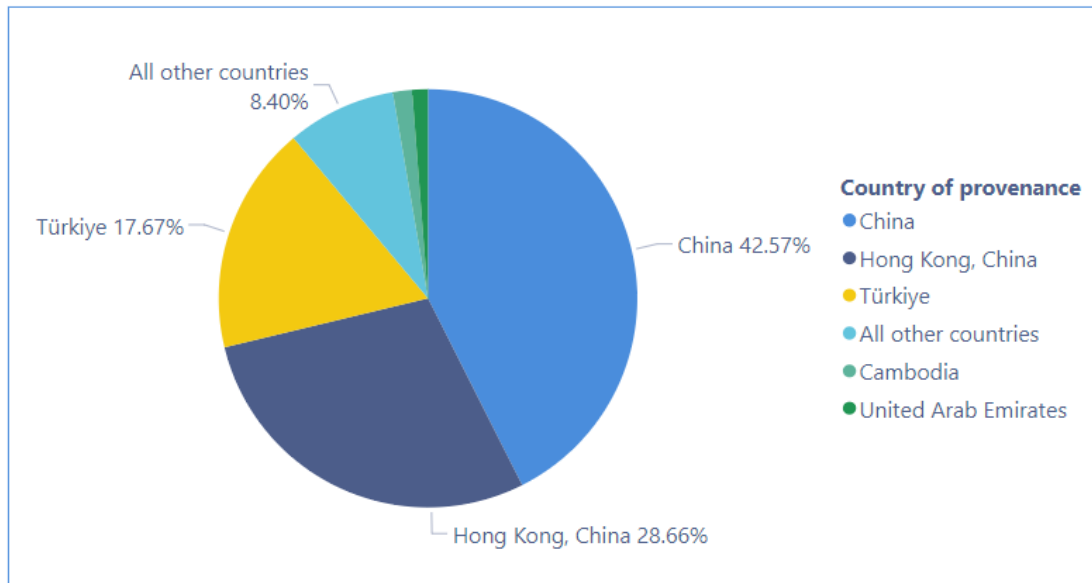


Figure 4-11: Country of provenance by value 2021

A further breakdown according to each category of products is given in section C.5 of Annex C. Additional information is provided in sections C.6 and C.7 of the same annex.

4.5. Data per freight/passenger traffic

Cases involving passenger traffic relate to goods brought into the EU by passengers in amounts considered to be of a commercial nature, rather than intended for private use. The shares of the numbers of cases of goods suspected of infringing an IPR found in freight and in passenger traffic remain at approximately 97 % and 3 % respectively, almost as in 2020.

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

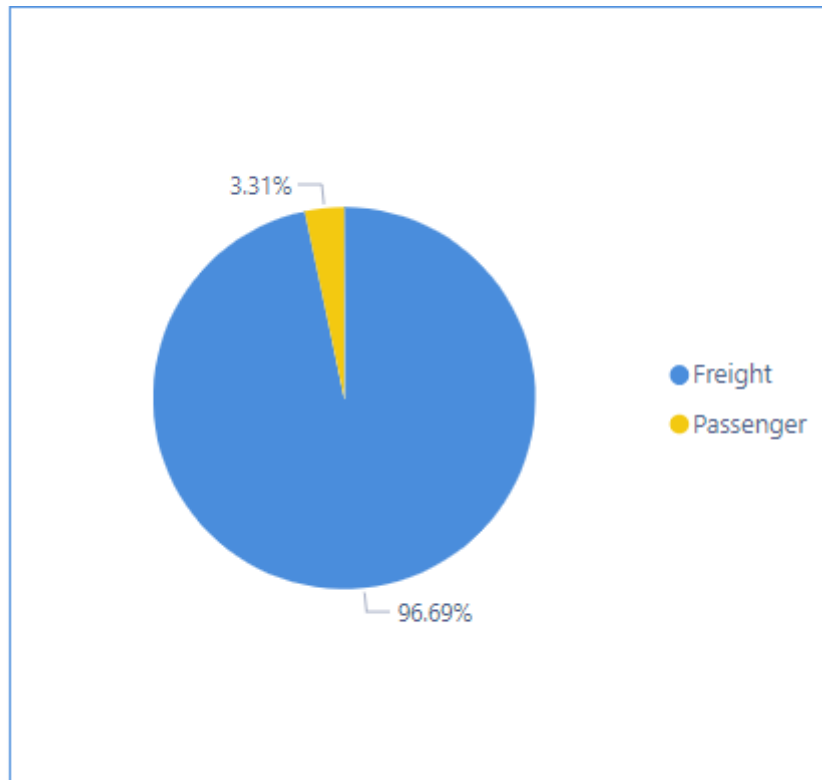


Figure 4-12: Breakdown of cases by type of traffic (freight/passenger) 2021

4.6. Data per transport

During 2021, the highest number of detention cases concerned goods transported via post (57 %) and express courier (28 %). Over the last few years, the detention cases of goods transported by post have continuously decreased, whereas detention cases of goods transported by express courier have increased.

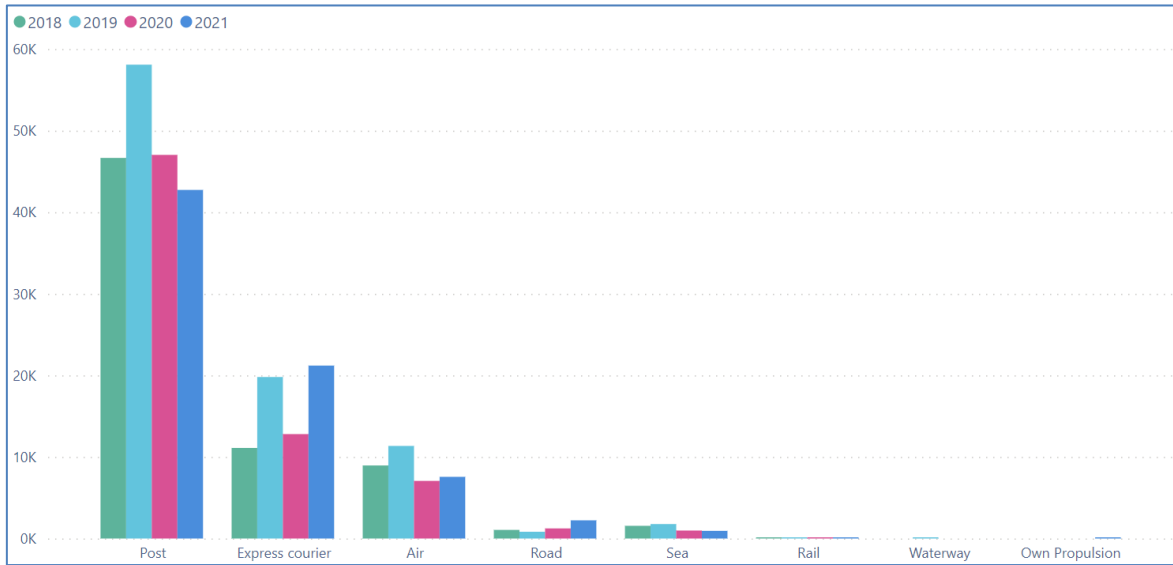


Figure 4-13: Registered cases by means of transport 2021

In terms of number of counterfeit articles, detentions in sea traffic still stand for the majority of all detained articles, while an increase can also be noted in air, express courier and post. The number of detained counterfeit goods transported via road and rail on the other hand, slightly decreased.

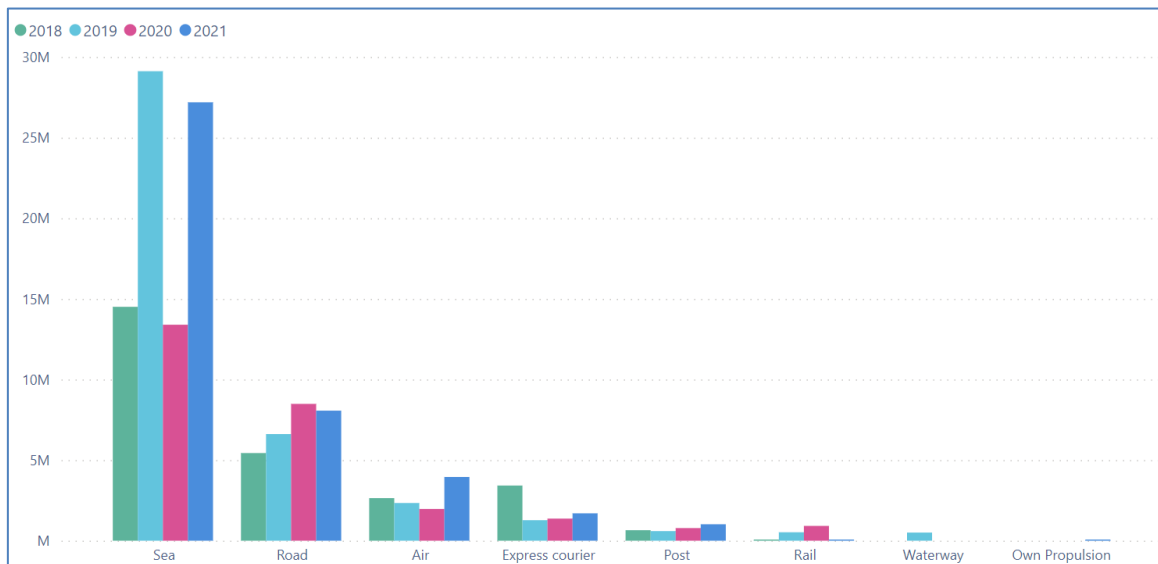


Figure 4-14: Detained articles by means of transport 2021

A further breakdown can be found in sections C.9 and C.10 of Annex C.

4.7. Data per intellectual property right

As in previous years, in 2021, the majority of articles (almost 98 % in number of articles and over 92 % in value) detained by customs, and where at least one infringed IPR was identified, were suspected of infringing a European Union trade mark (EUTM) and/or an international trade mark (ITM) and/or a national trade mark (NTM). All categories of goods were concerned. These percentages vary substantially compared to 2020 (72 % in number and 98 % in value)⁽²⁸⁾.

Detentions based on infringing design rights dramatically reduced compared to 2020. The registered community (CDR), unregistered community (CDU), registered international (ICD) and registered national (ND) designs were infringed in a wide variety of products. In 2021, they mainly included Computer equipment followed by Other goods, Audio/Video apparatus, Mobile phone accessories and Toys.

Regarding copyright infringements (NCPR), the products most frequently detained were Toys, Other goods (chairs in particular) and, in 3rd position, Clothing.

Where patent and utility models (UPT, NUM and NPT) infringements were suspected, the main category of products involved was Mobile phone accessories.

For plant variety rights (CPVR), the products involved were fruit, as in 2020⁽²⁹⁾.

⁽²⁸⁾ These figures cannot be directly calculated from Figure 4-15 and Figure 4-16, since the same article may infringe several types of IP rights.

⁽²⁹⁾ The meaning of all the IP rights abbreviations can be seen in Table C-7, in section C.12 in Annex C.

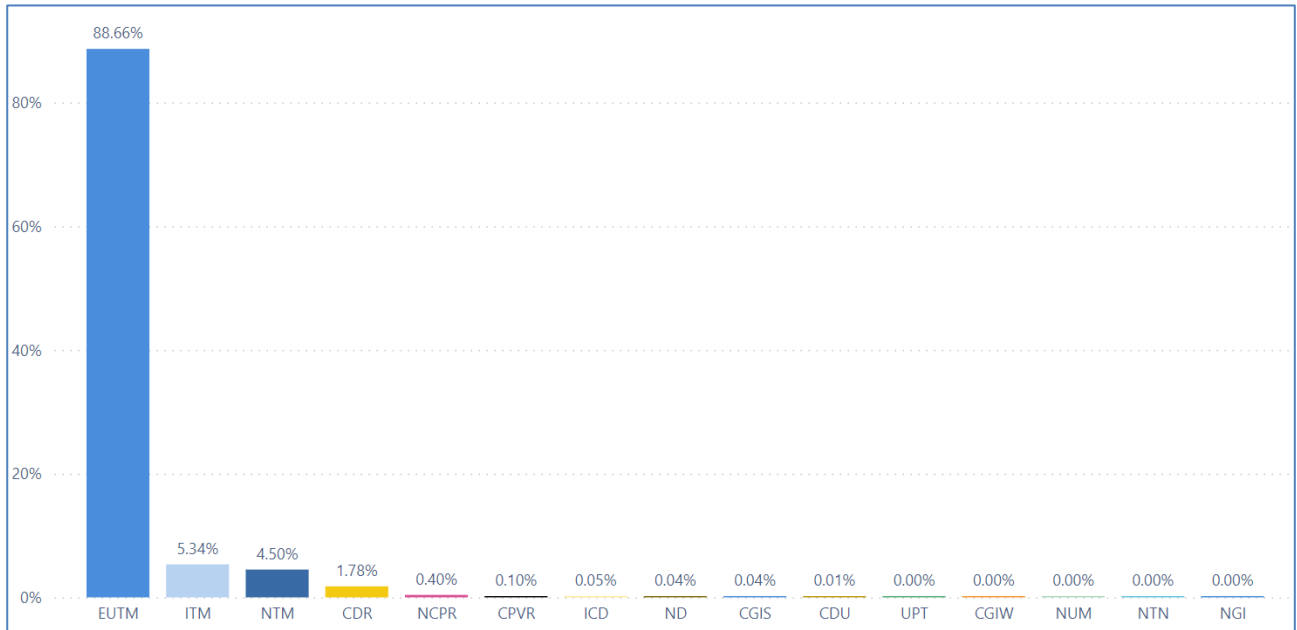


Figure 4-15: IPRs in percentage of articles 2021

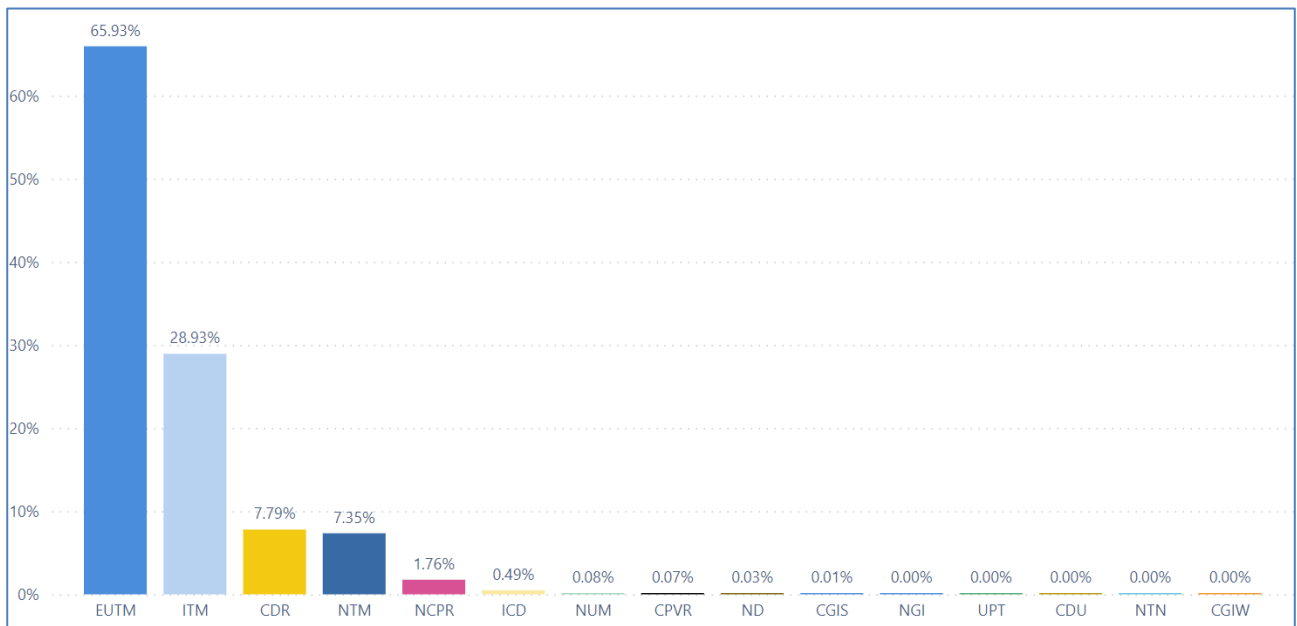


Figure 4-16: IPRs in percentage of value 2021

4.8. Data per customs procedure

In almost 77 % of the cases, customs action began while the goods concerned were part of an import procedure. In almost 20 % of the cases, goods were discovered while in transit with a destination in the EU (almost doubling the average share of this procedure during the previous 3 years) and in over 1.2 % of cases, goods were part of a (re-)export procedure, with a destination outside the EU. In 1.1 % of the cases, goods were in transit/transhipment, with a destination in a non-EU country.

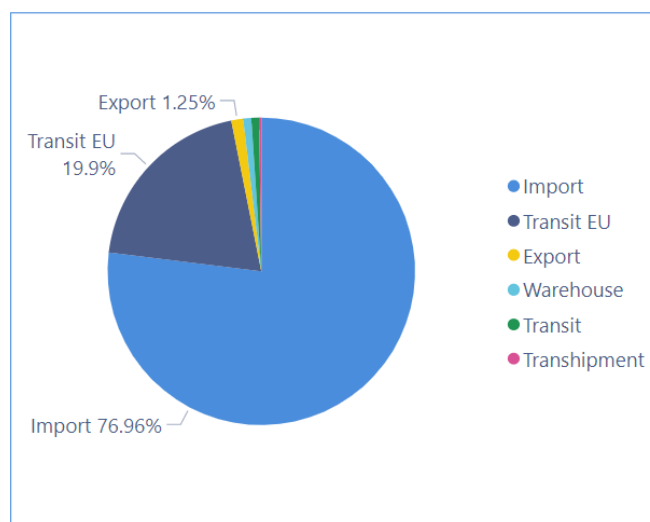


Figure 4-17: Breakdown of cases by customs procedure 2021

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

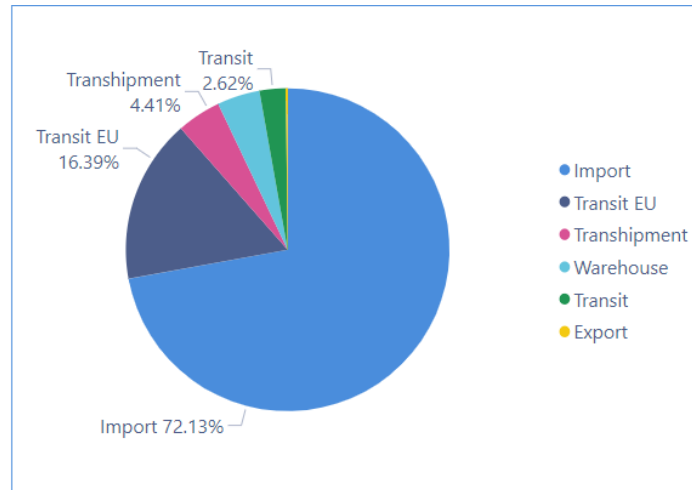


Figure 4-18: Breakdown of articles by customs procedure 2021

4.9. Comparison of detentions at EU borders and estimates of counterfeit products

Data on the quantity or estimated value of the reported detentions of counterfeit products at the EU border reveal more insights when compared with other available trade data.

Several reports over the years have estimated the volume of counterfeit and pirated goods entering the EU economies. They have enabled to compare the reported detentions of counterfeit goods at EU border **in relation to the estimated volume of counterfeit products circulating through that border**, illustrated in Figure 4-19.

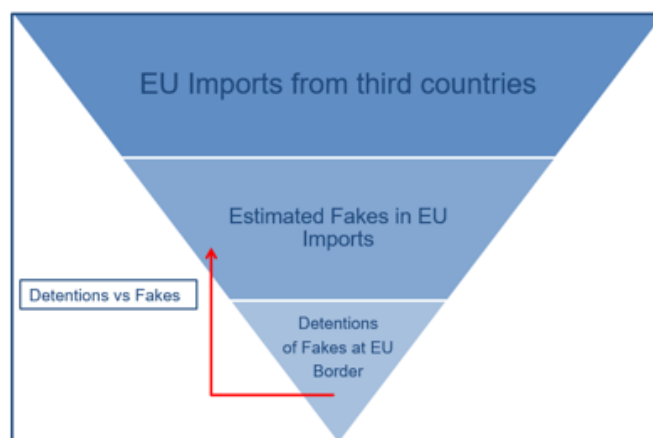


Figure 4-19: Putting reported volumes of detentions of counterfeit products in relation to other trade figures

The products reported as detained at the EU border because they were infringing IP rights were just a fraction of the counterfeit and pirated goods that passed that border and entered the EU market.

The OECD-EUIPO reports conducted on illicit trade calculated the estimated volume of such goods for the years 2013 ⁽³⁰⁾, 2016 ⁽³¹⁾ and 2019 ⁽³²⁾.

The purpose of this section is to show the detained counterfeit goods reported at the EU border in relation to the estimates for the total volume of such goods crossing the border.

The 2016 OECD-EUIPO report on Trade in Counterfeit and Pirated Goods estimated, by applying the methodology GTRIC, that the total trade of counterfeit and pirated products to the European Union amounted to as much as EUR 85 billion in 2013, compared to the total import of the same category of goods of EUR 1 624 billion. This implies that as much as 5.1 % of the EU import of comparable products in 2013 concerned counterfeit and pirated products.

The 2019 OECD-EUIPO report on Trends in Trade in Counterfeit and Pirated Goods, by applying the same methodology, estimated that the total trade in counterfeit and pirated products to the European Union was as much as EUR 121 billion in 2016, representing as much as 6.8 % of the EU import in 2016.

Finally, the 2021 OECD-EUIPO report on Global Trade in Fakes estimated that the total trade in counterfeit and pirated goods to the European Union was as much as EUR 119 billion in 2019 or as much as 5.8 % of the total EU import that year.

Table 4-2 puts the figures of the value of the detained counterfeit goods at the EU border in 2013, 2016 and 2019 (respectively EUR 616 million, EUR 466 million and EUR 539 million, see section 4.1

⁽³⁰⁾ OECD-EUIPO (April 2016), [Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact](#), OECD Publishing, Paris, p. 76.

⁽³¹⁾ OECD-EUIPO (March 2019), [Trends in Trade in Counterfeit and Pirated Goods, Illicit Trade](#), OECD Publishing, Paris/European Union Intellectual Property Office, p. 57.

⁽³²⁾ OECD-EUIPO (June 2021), [Global Trade in Fakes: A Worrying Threat. Illicit Trade](#), OECD Publishing, Paris/European Union Intellectual Property Office, p. 58.

and previous years' reports⁽³³⁾) in perspective of the estimates of counterfeit goods crossing the border during the same period.

The value of the counterfeit goods detained at EU borders represented not less than 0.73 % of the estimated value of the trade in counterfeit goods passing these borders in 2013, whereas in 2016 and 2019 the value represented respectively at least 0.38 % and 0.45 % (see Table 4-2).

	2013	2016	2019
Estimated Value of Detentions	616M €	466M €	539M €
Estimated Value of Fakes	85bn €	121bn €	119bn €
Ratio Detentions vs Estimate of Fakes	0.73%	0.38%	0.45%

Table 4-2: Detentions, estimate of counterfeit products and ratio of detentions versus imports of counterfeit products at EU level

As can be seen in Figure 4-20, the ratio slightly recovered in 2019 after a significant drop in 2016.

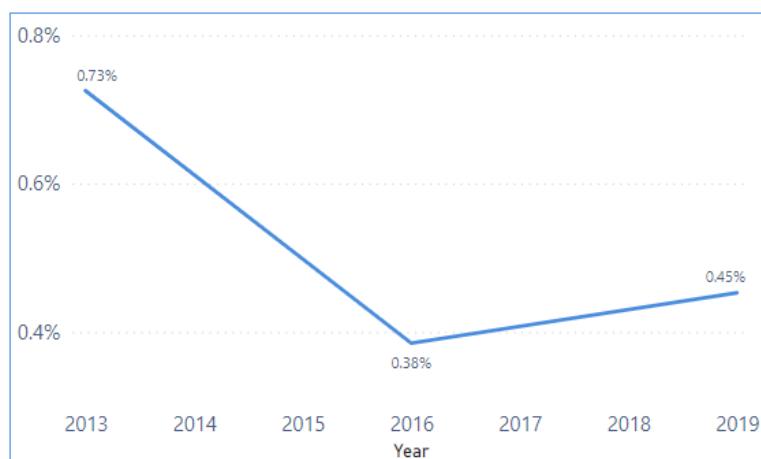


Figure 4-20: Ratio of detentions versus imports of counterfeit products at EU level

⁽³³⁾The detentions considered are those:

- done during a custom procedure of Import, Transit to EU or Warehouse;
- resulting in not released goods after the detention;
- concerning goods destined to a Member State of EU28.

5 Results in the EU internal market

Generally speaking, the number of Member States in which the number of detained items increased was higher than the ones in which it decreased and this resulted in an increase in the total number of items detained. In terms of estimated value however, it brought a slight decrease, reaching the second lowest figure in the last 10 years. Indeed, in terms of value, the figures for 2021 are characterised for being among the lowest ones in the last decade.

It is important to highlight that, in 2021, as in 2020, not all the detention activities in Italy were reported⁽³⁴⁾. Moreover, three usually reporting Member States did not report any data in 2021⁽³⁵⁾. Lastly, a new Member State (Sweden) joined the IPEP community with two new enforcement authorities, but these could not report any data for 2021. However, considering the historical (very low) level of detentions reported by the missing Member States, the absence of their data in 2021 does not modify at any point the global picture of the trends.

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

5.1. Number of articles and estimated value

As explained previously, the IPEP gives an overview of the detentions of counterfeit products reported to the EUIPO by the internal market enforcement authorities of the EU Member States (see Table A-1 in Annex A for the composition of the IPEP community). According to the information reported and included in the database, the number of fake items detained in the EU internal market in 2021 amounted to some 53 million items, an increase of more than 16 % (slightly more than 7 million items) compared to 2020 (see Figure 5-1).

⁽³⁴⁾As per information received from the Ufficio Italiano Brevetti e Marchi. Divisione III – Politiche e progetti per la lotta alla contraffazione, the Polizia Municipale, the Carabinieri and the Polizia di Stato could not report their figures in time to be included in this document. However, this has only a marginal impact on the Italian overall figures.

⁽³⁵⁾Denmark, Luxembourg and Slovenia. Moreover, Germany and Austria never report to IPEP for the reasons specified in the Table A-1 under the EU internal market section of Annex A.

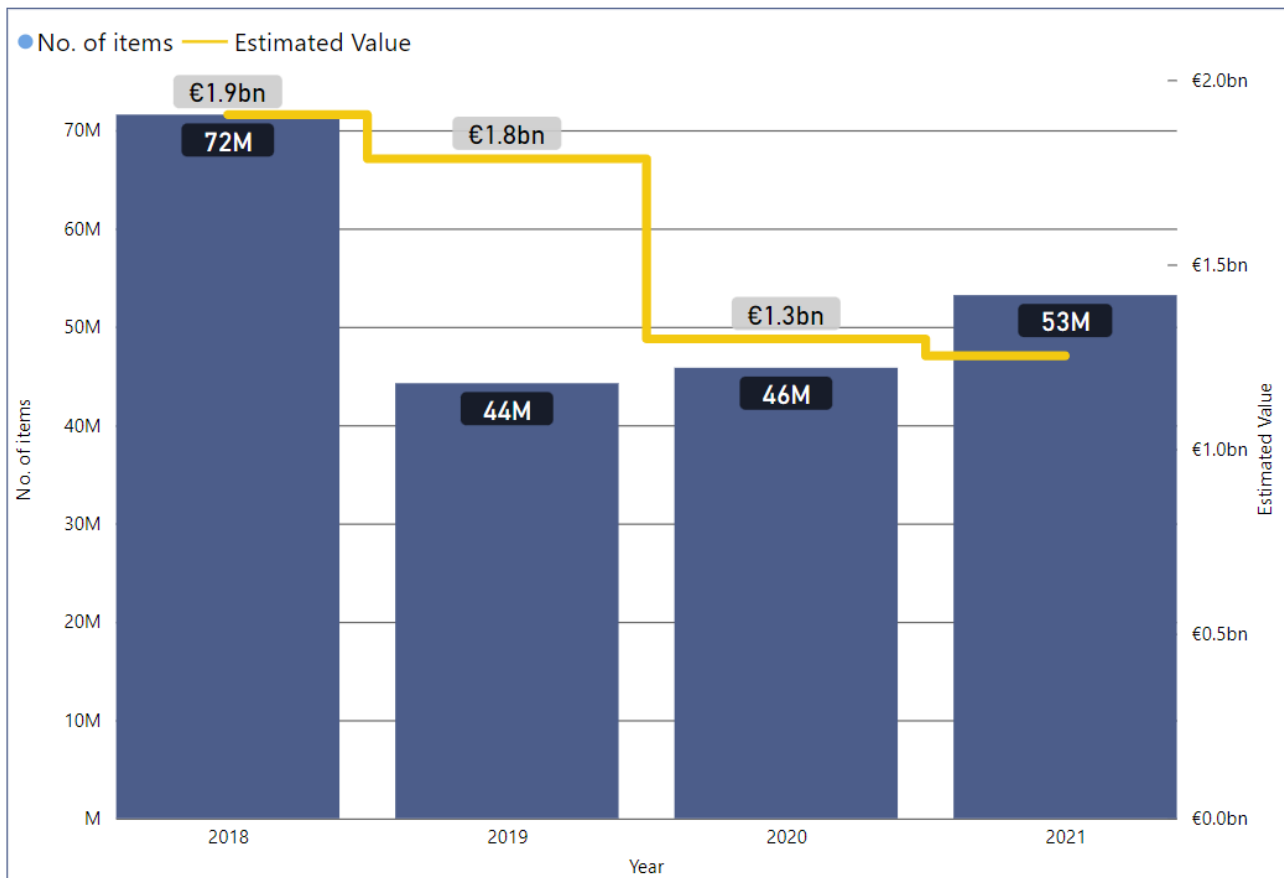


Figure 5-1: Reported quantity and estimated value of detained items in the EU internal market

Despite the increase in the number of items compared to the previous year (as mentioned, more than 16 %), the estimated value of these detained fake items amounted to EUR 1 253 million, which means a slight decrease of more than 3.5 % when compared with 2020 (see also Figure 5-1 above).

The shift in the basket of the detained subcategories towards cheaper products caused a reduction of the estimated value of counterfeit goods detained in the EU internal market in 2021 (approximately minus 51 %), which superseded the effects of the increase in the number of items detained (as described, approximately plus 16 %) and that of the general increase of the estimated unitary values of the products (approximately plus 31 %).

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

5.2. Data per Member State

In the breakdown by Member State (see Figure 5-2 below) the figures reflect that, as regards the number of counterfeit goods detained, only six Member States (Italy, the Netherlands, France, Portugal, Spain and Hungary) accounted for almost 99 % of the total reported items detained in 2021 in the EU internal market.

A comparison with the figures from 2020 shows that four of the abovementioned Member States (Italy, France, Spain and Hungary) continue to being in the top six ranking, although not in the same positions. Between 2020 and 2021, the two main changes within these four Member States in the top six ranking were the moves by France and Spain (upwards) and Hungary (downwards).

Moreover, Bulgaria and Greece have been replaced by the Netherlands (with a significant jump upwards) and Portugal in the top six ranking.

For another year, Italy has continued to solidly lead the list.

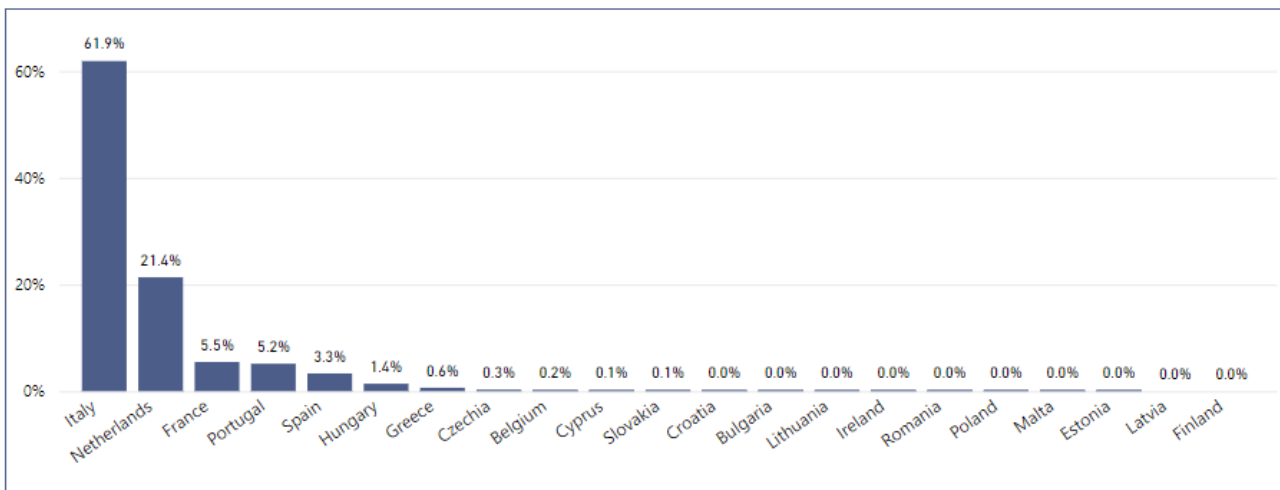


Figure 5-2: Share of reported detentions by Member State (number of items) in 2021

A very similar scenario is shown by the figures of the reported estimated value of the goods detained (see Figure 5-3). These show that the top six Member States (Italy, France, the Netherlands, Spain,

Hungary and Greece) account for 95.3 % of the total value of the detentions in 2021, with Italy leading even more solidly.

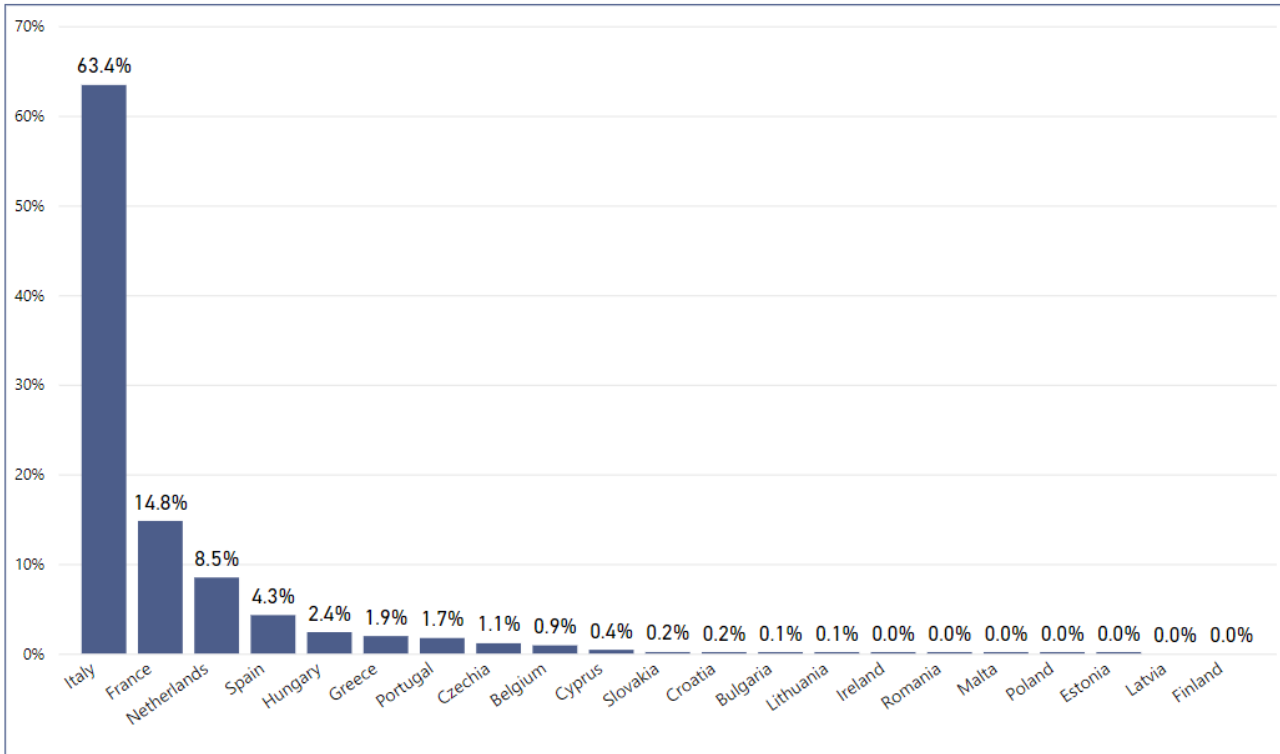


Figure 5-3: Share of reported detentions by Member State (estimated value of items) in 2021

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

5.3. Data per product subcategory

From the perspective of the subcategories of products detained in the EU internal market and in terms of the number of counterfeit goods detained, the products most detained in 2021 belonged to

the subcategories of Other goods, Cigarettes, Labels, tags, stickers, Clothing and Audio/Video Apparatus (see Figure 5-4 below).

From a comparison with the 2020 figures, besides some moves up or down in the top 13 subcategories, three new ones appear on the list: Audio/video apparatus, Textiles and Foodstuffs replacing Recorded CDs/DVDs, Other electronics, and Illegal streaming/downloading.

Looking more closely at the subcategories most detained, the climb from 5th position to 3rd position of Labels, tags, stickers, which historically shows a consistent share of the detentions, intensifies its (negative) relevance because of their potential multiplier effect for the production of more counterfeit products (by labelling them with fake labels, tags or stickers) and, consequently, their capacity to cause additional harm. It is also relevant that the number of detained Packaging material has considerably decreased, falling to 12th position in the list.

A very relevant change to highlight is the gigantic drop in the subcategory of Recorded CDs/DVDs (3rd most detained subcategory of goods in 2020), which disappeared from the top 13 subcategories. The figure seems to show that in 2021, the volumes of detentions of Recorded CDs/DVDs aligned with the reduction in the use of this format in recent years, as well as with the notable increase in the use of music streaming services, according to the statistics provided by the IFPI International Federation of the Phonographic Industry’s Global music report 2022.

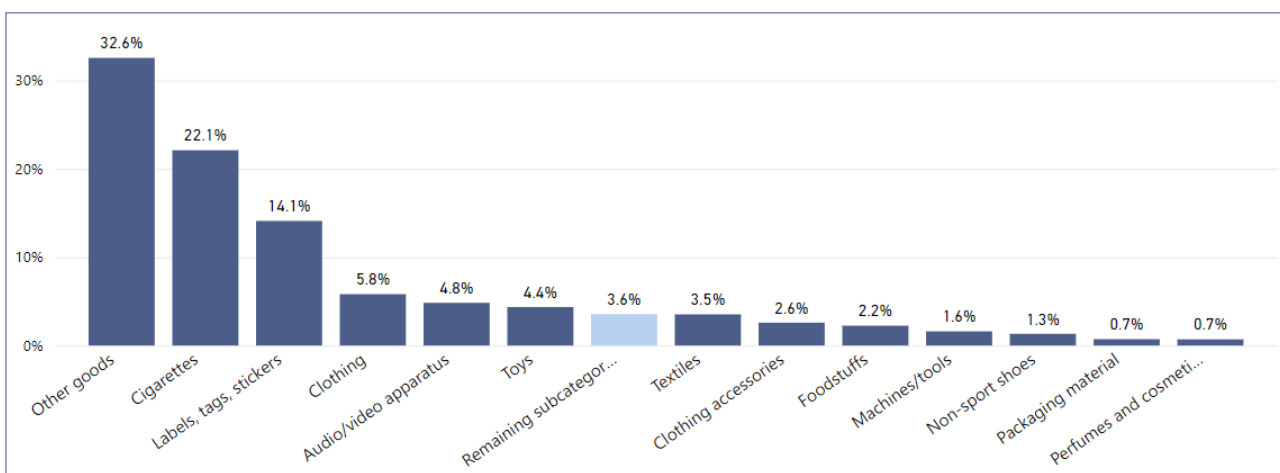


Figure 5-4: Share of reported detentions by subcategory of goods (number of items) in 2021

Finally, worthy of mention is the recurrent presence of the product subcategory of Other goods (around 32.6 % of all counterfeit goods detained in the EU internal market in 2021), under which the enforcement authorities gathered a number of products not assignable to the subcategories already defined (see Table E-2 of Annex E and Table F-2 of Annex F). In terms of the quantity of items detained in the EU internal market, the share of Other goods in 2021 is significantly higher than the average of previous years, which constitutes a worrying trend in the direction of a proper identification of the counterfeit goods detained. The original list of products usually assigned to this category (pellets, books, construction materials, separated pieces of objects and the ones defined as various) has been extending over time due to the development of new technologies that facilitate the counterfeiting of more products (magazines, photographs, maps, travel goods, credit cards, fireworks, events' tickets, crockery and ceramics, disinfectants and insecticides, etc.), which has entailed an overuse of the assignment to Other goods. The case of medical products is paradigmatic. These products, scarcely detained between 2013 and 2018, were normally assigned to Other goods, while medicines, a product more often detained in comparison, were assigned to that specific category (Medicines). Nowadays, the range of the detained medical and pharmaceutical products has extended in scope, covering masks, medical instruments, prothesis and medical gloves, and in the number of items detained, and continue to be classified as Other goods. Moreover, the development of new technologies and the subsequent invention of new products may bring doubts on the assignment of products to the right category (e-watches, e-cigarettes, vaping liquid, etc.). After the first 8 years of data collection and due to the extension of the range of detained counterfeit products in the internal market, a harmonisation and standardisation of the criteria used for the assignment of products to categories would be convenient, as well as an eventual redefinition of those categories.

Regarding the share of estimated value of the counterfeit goods detained per subcategory (see Figure 5-5), the scenario significantly varied in 2021. The comparison between the top 13 subcategories list in 2020 and the one in 2021 shows a relevant change regarding the repartition of the percentages by subcategory. While in 2020 only one subcategory clearly led the list (Clothing accessories with 54.1 % of the total value of detentions), a group of four subcategories share the leading role in 2021 and all together they account for a similar total percentage. The subcategories in this group are Textiles (14.5 %), Clothing (13.8 %), Audio/video apparatus (13.7 %) and Non-sport shoes (12.3 %), totalling 54.3 % of the share in terms of estimated value.

From the top 13 subcategories in 2020, only three (Recorded CDs/DVDs, Mobile phones accessories and Mobile phones) left the list, being replaced by Textiles, Audio/video apparatus and Cigarettes. While in 2020 three of the top five subcategories were related to luxury products, only one (Clothing) was in 2021 (see also Table D-2 in section D.2, Figure D-1 in section D.3 and Figure D-2 in section D.4 of Annex D for more details). Finally, Clothing accessories moved down from 1st position of the identified subcategories in 2020 to 9th in 2021.

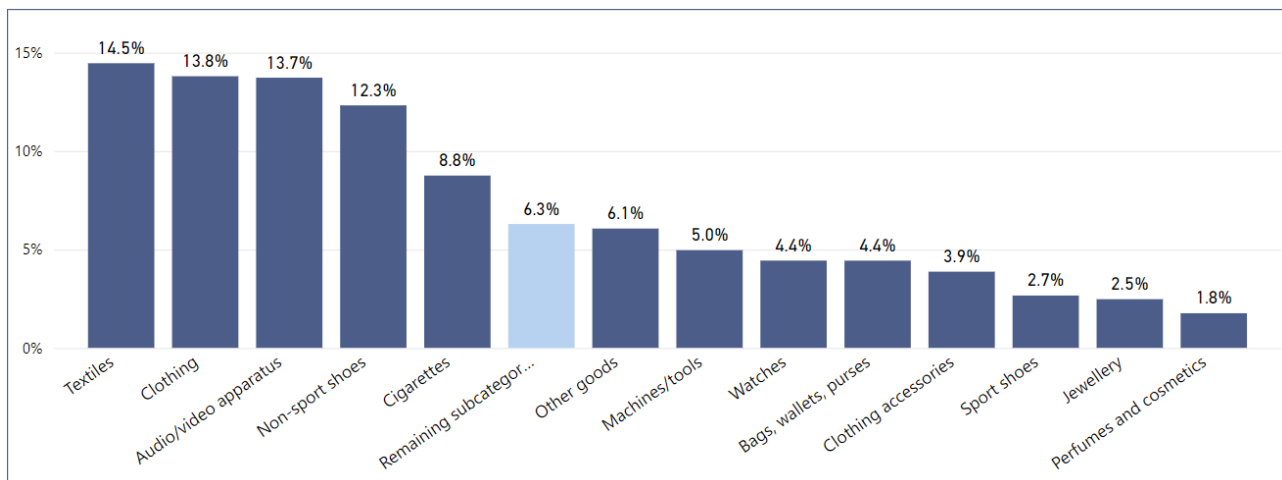


Figure 5-5: Share of reported detentions by subcategory of goods (estimated value of items) in 2021

As mentioned in section 5.1, the fact that the basket of the detained subcategories in 2021 is led by cheaper products (e.g. Cigarettes and Labels, tags and stickers) than the one in 2020 (e.g. Clothing accessories) mostly explains the reduction of approximately 3.5 % of the estimated value of counterfeit goods detained in the EU internal market, despite the increase in number of items detained and their individual estimated value. Moreover, the share of detained items of some of the most expensive subcategories decreased, such as Jewellery (from 0.50 % of the total number of items detained in 2020 to 0.06 % in 2021) or Bags, wallets, purses (from 0.45 % to 0.31 %).

5.4. Data per intellectual property right

To analyse the data on detentions in the EU internal market from the perspective of the IPRs allegedly infringed⁽³⁶⁾, it is important to highlight that the total number of infringed IPRs in those detentions reported in the IPEP exceeded the number of detained items for the EU internal market. This is because, similar to what happens in COPIS for the detentions at the EU border, the IPEP allows multiple assignments of IPRs to the detention of an item.

The distribution of the infringed IPRs at the moment of detention, in terms of the number of items, shows that trade marks were by far the dominant right in 2021. It should also be noted that only 0.03 % of all detentions did not provide details about the type of infringed IPR. As can be seen in the Figure 5-6 below, in over 93 % of the counterfeit goods detained in the EU internal market, a trade mark was infringed, followed by copyright (over 6 %) and designs (0.7 %).

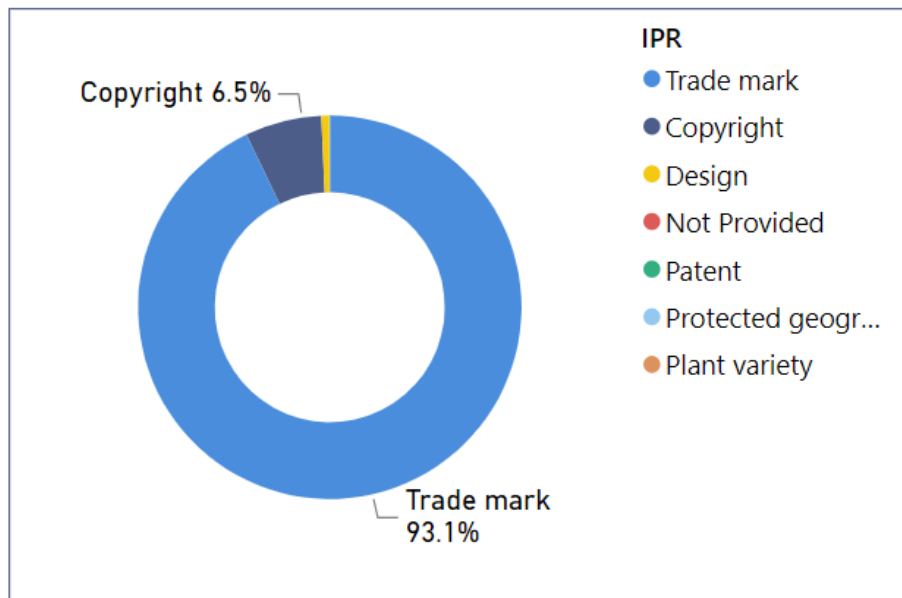


Figure 5-6: Share of reported detentions by type of IPR (number of items) in 2021

A comparison with the 2020 data shows that the weight of trade marks, as an infringed IPR, has significantly increased (around 17 percentage points) in detentions in the EU internal market during

⁽³⁶⁾ Hereinafter referred to as 'infringed IPRs'.

2021. By contrast, the weight of designs and copyrights has dramatically decreased in almost 22 percent points and over 15 percent points respectively. There was also in 2021 a reduction in the share of patents as infringed IPRs (0.01 %) ⁽³⁷⁾ compared to 2020 (0.23 %).

In addition to the overwhelming dominance of trade marks across subcategories, it is also remarkable that designs are mainly infringed by goods belonging to the subcategories of Home furniture (95.8 % of the fake items detained in this subcategory) and Alcoholic beverages (64.8 %). Copyrights appear to be infringed mostly in Illegal streaming/downloading (100 %) and Recorded CDs/DVDs (99.6 %), whereas patents are most declared as infringed IPRs in the subcategories of Mobile phones (1.9 %) and Watches (0.3 %). However, in all these subcategories, with the exception of Illegal streaming/downloading, trade marks are still the main IPR infringed amongst the detained items.

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

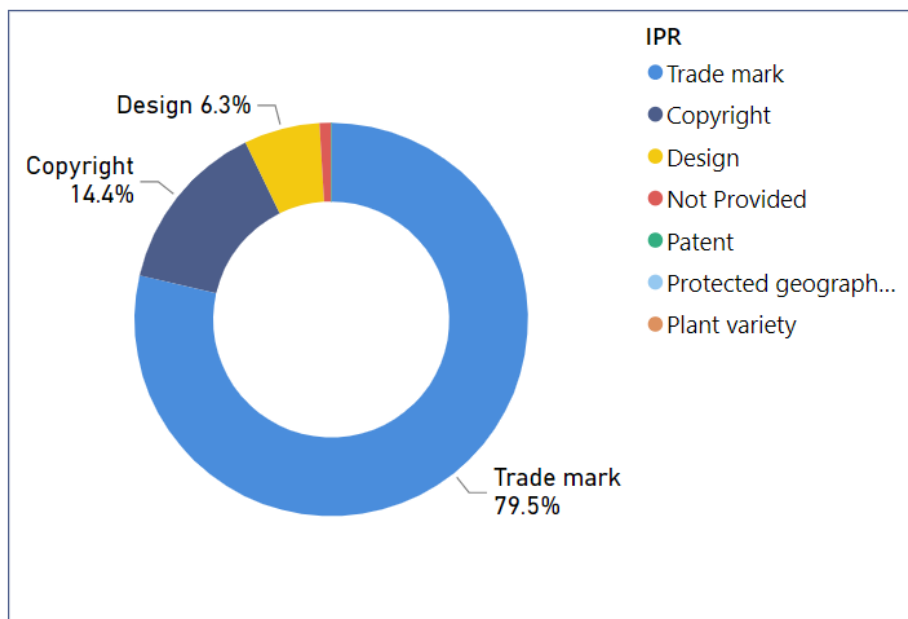


Figure 5-7: Share of reported detentions by type of IPR (estimated value of items) in 2021

⁽³⁷⁾ Again, percentages total more than 100 % because, both in COPIS and on the IPEP, there can be several infringed IPRs in the same record.

6 Overall results

The IPEP provides an overview of the reported detentions of fake products by national authorities, both those made by customs at the EU border and those made inside the EU Single market by the competent law enforcement authorities⁽³⁸⁾.

The figures of the overall detentions of fake goods by EU enforcement authorities in 2021 grew considerably in comparison with the previous 2 years in terms of quantity of items. Despite the increase in the number of items, the estimated value of these detained counterfeit items continued to decrease, as in the previous 2 years.

It is particularly important to stress that the data on overall detentions presented in this section does not correspond exactly with the data on detentions at the EU border analysed in section 4 and those on detentions in the national markets of EU Member States described in section 5. This is because the counterfeit goods detained at the EU border but later released are not recorded in the IPEP and, therefore, do not appear in the overall results analysed in this section⁽³⁹⁾ (see further explanation in the eighth bullet point of Annex B). Overall, 90 % of the detention procedures at the EU border are included in the 2021 overall perspective. Therefore, wherever in this section there is a reference to ‘detained articles/items/products’, it should be understood as ‘detained and not released articles/items/products’.

Moreover, the same remarks about the lack of data on detentions at the Greek border in 2021 (see section B.1.1 in Annex B) apply to the overall analysis.

⁽³⁸⁾To understand some of the limitations on the analysis caused by the availability of data, see Annex B. In particular, the limitations and issues of availability of data on detentions in the EU internal market, referred to in that Annex, produce a bias in this section’s conclusions similar to that referred to in section 5.

⁽³⁹⁾The set of data on detentions at the EU border used for the overview in section 6 Overall results (overall detentions) does not coincide with that used in section 4 Results at the EU border (on detentions of goods infringing IPRs at that border). Indeed, after suspending the release of items suspected of infringing IPRs, customs authorities can either release them later, have them destroyed, or keep them under supervision for as long as the procedures for determining the infringement run. Only the last two situations, which both result in the goods very likely to be ‘counterfeits’, are reported in the IPEP.

6.1. Number of articles and estimated value

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

The number of fake goods detained in the EU in 2021 was over 86 million, showing a significant increase (almost 31 %) in comparison with the 2020 figure of around 66 million (see Figure 6-1 below). Moreover, the proportion of fake goods detained in the EU internal market in 2021 reached almost 62 % of the total, while the share of border detentions accounted for the remaining more than 38 %. In 2020, the proportion of fake goods detained in the EU internal market represented around 69 % of all IPR infringement related detentions.

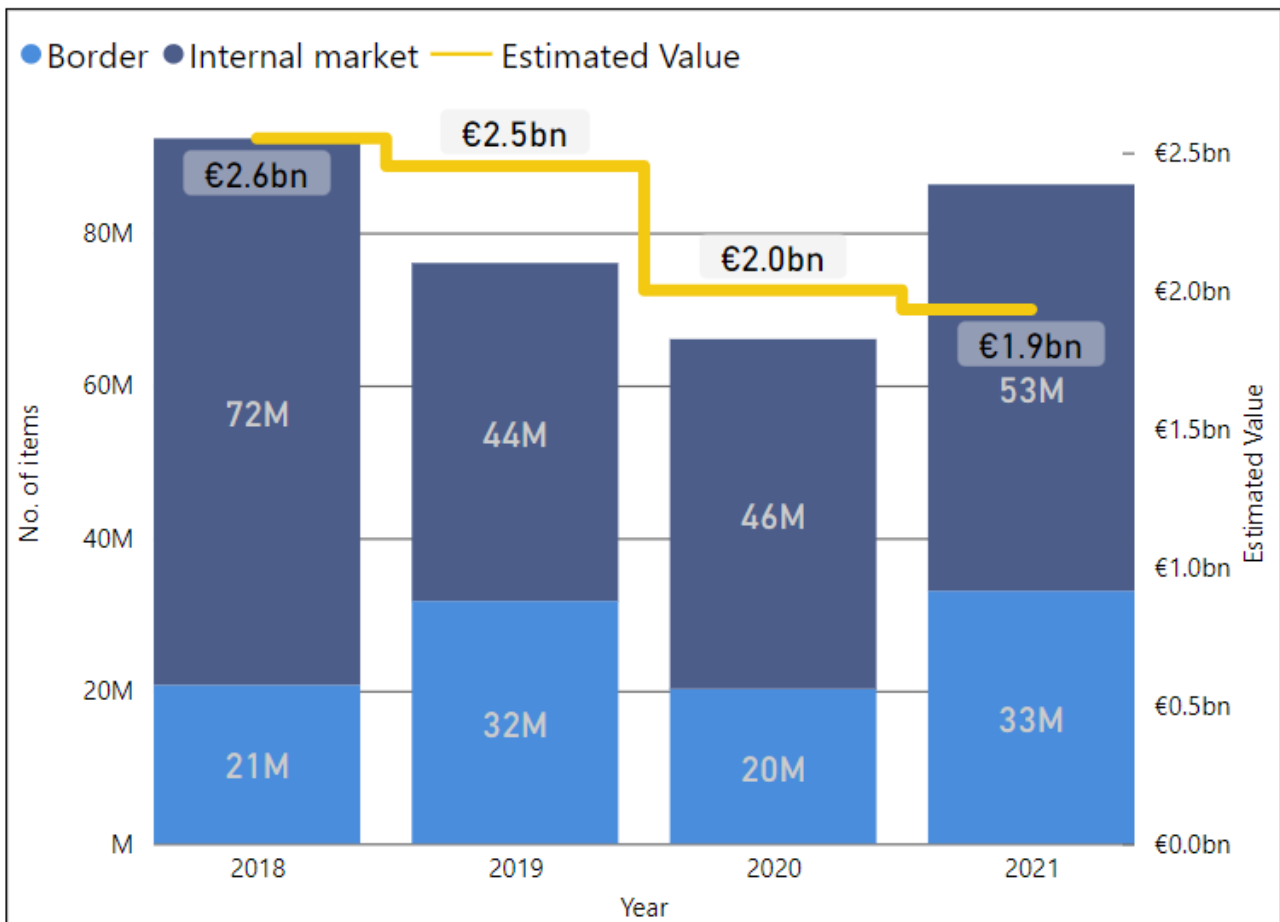


Figure 6-1: Reported quantity and estimated value of items detained in 2021

The estimated value of the fake goods detained in the EU in 2021 was over EUR 1.9 billion, compared to approximately EUR 2 billion in 2020 (see Figure 6-1). The counterfeit goods detained in the EU internal market represented almost 65 % of the estimated value of the overall items detained, with the remaining 35 % corresponding to fake goods detained at the EU border and not released later. This distribution was practically identical in 2020.

6.2. Data per Member State

The distribution by Member State of the share of fake goods detained in 2021 ⁽⁴⁰⁾, in terms of the number of articles detained, can be seen in Figure 6-2 below. The same distribution, but in terms of the estimated value of the detentions, is shown in Figure 6-3.

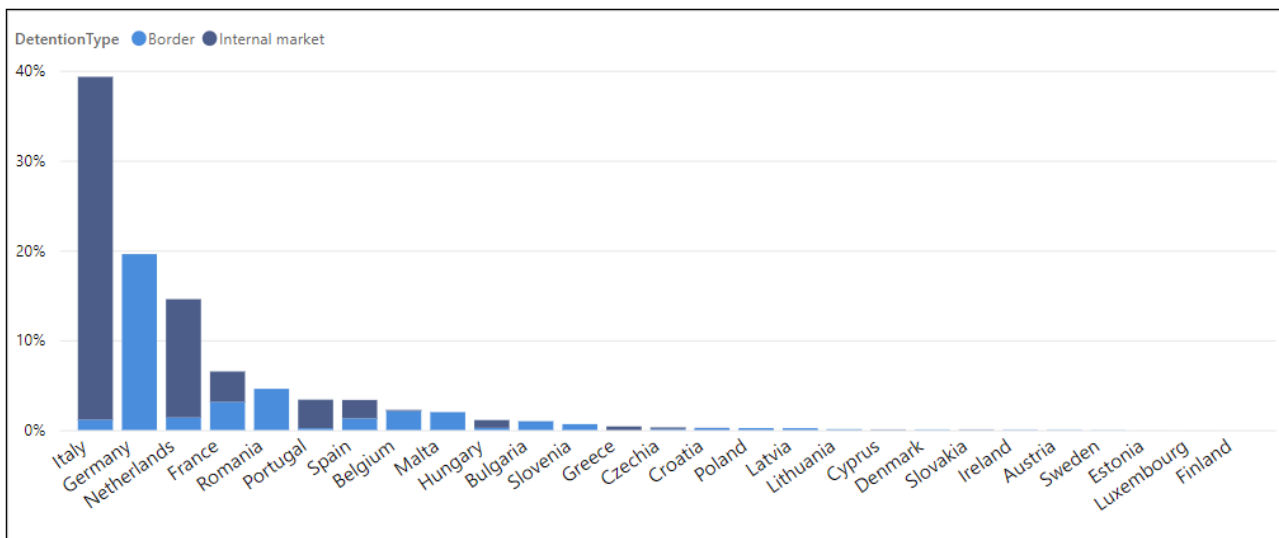


Figure 6-2: Share of reported not released detentions by Member State and type of detention (number of items) in 2021

⁽⁴⁰⁾As already mentioned in section 4 Results at the EU border, the Greek customs 2021 detention dataset has not been made available for this analysis.

The cumulated share of fake goods detained by the top 10 Member States in 2021 corresponds to almost 97 % of the articles detained (the highest ever) and over 93 % of their estimated value.

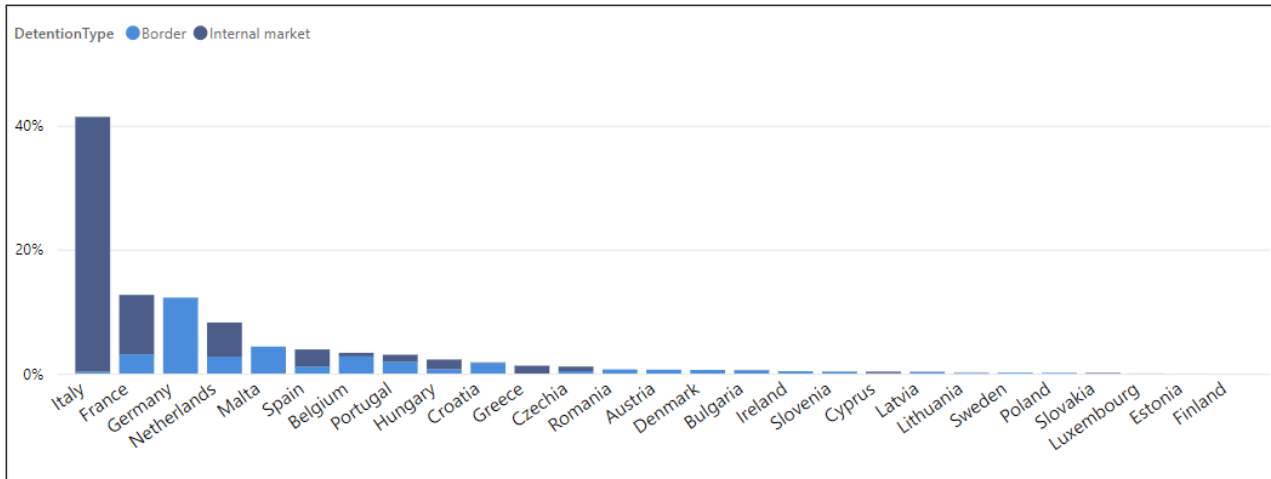


Figure 6-3: Share of reported not released detentions by Member State and type of detention (estimated value of items) in 2020

Furthermore, as shown in Figure 6-2 and Figure 6-3 above, just the Italian enforcement authorities in the internal market (and in particular, this year, the Guardia di Finanza) reported over 39 % of the articles detained in the EU and more than 41 % of their total value.

Italy, France, Germany and the Netherlands appear in the 2021 top five from the perspective of both the number of items and their estimated value. Finally, it is worth mentioning that Germany is in 2nd position from the perspective of the overall number of items detained and not released and in 3rd position regarding their estimated value on the basis of the detentions performed at the EU border only (since this Member State does not report on internal market detentions).

6.3. Data per product subcategory

Data on the number of items detained by subcategory of products (see Figure 6-4) shows that the top five subcategories of identified goods in terms of the number of fake items detained in 2021 are Packaging material, Cigarettes, Labels, tags, stickers, Clothing and Toys.

A comparison with the same top five in 2020 reveals that Packaging material, Labels, tags, stickers and Clothing appeared quite consistently in the previous annual top ranking per number of items. Both Packaging material and Labels, tags, stickers climbed one position each (to 1st and 3rd respectively) compared to 2020.

Moreover, the recurrent appearance in the top 10 subcategories (in terms of quantity) of these two specific product subcategories – Packaging material and Labels, tags, stickers – deserves appropriate attention, since they rank even higher than in 2020. Both subcategories are normally used for the production of fake goods, probably inside the internal market, and thus to multiply the availability of counterfeit products in the internal market. Consequently, they have the capacity to cause additional harm. These categories already occupied 2nd and 4th positions in the ranking of subcategories identified in 2020 and 2nd and 8th positions in 2019. Moreover, the volume of unidentified products – classified as Other goods – is, as in recent years, significant, making up around 25 % of all the goods detained in 2021 (23 % in 2020).

Finally, among the top 13 subcategories per number of fake goods detained, nine of them appear both in 2020 and 2021, with some fluctuations in the ranking. The subcategories Audio/Video apparatus, Textiles, Perfumes and cosmetics and Other body care items appeared in the top 13 in 2021, replacing Recorded CDs/DVDs, Lighters, Non-sport shoes and Sport shoes.

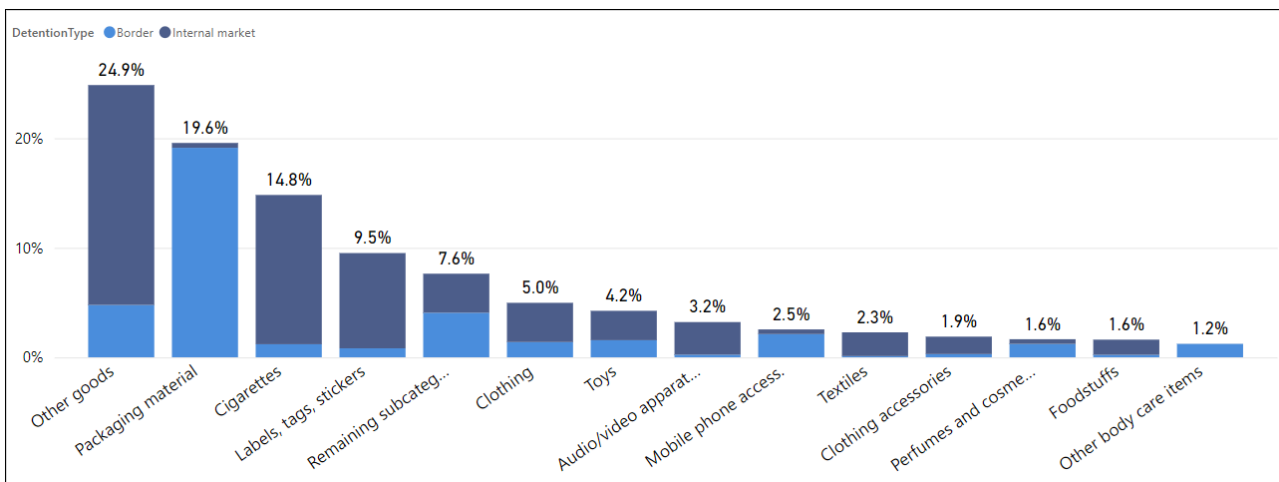


Figure 6-4: Share of reported not released detentions by subcategory of goods and type of detention (number of items) in 2021

Data on the estimated value of items detained by subcategory of products (see Figure 6-5 below) shows Clothing, Watches, Audio/Video apparatus, Textiles and Non-sport shoes as the top five subcategories in 2021.

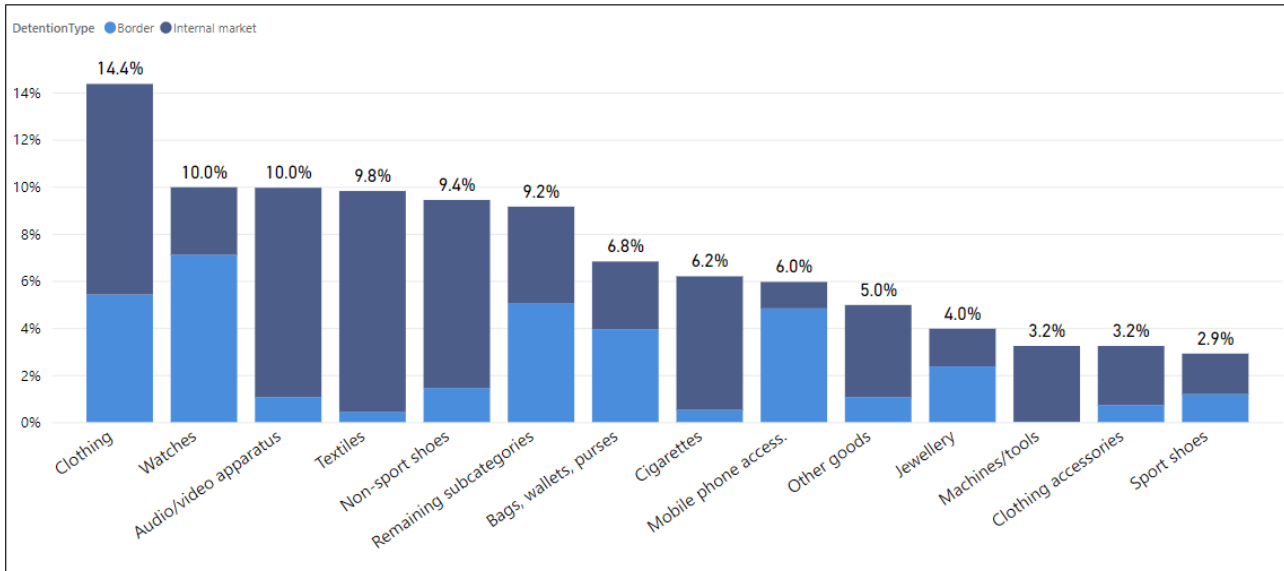


Figure 6-5: Share of reported not released detentions by subcategory of goods and type of detention (estimated value of items) in 2021

From those top five subcategories, Watches and Bags, wallets, purses belong to the type of subcategory with a high value per unit, which would explain their presence on the list, while Cigarettes are there because of the high number of items detained, as shown in Figure 6-4.

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

6.4. Data per intellectual property right

The 2021 distribution of the infringed IPRs at the time of detention shows that trade marks continue to be the predominant right infringed. In 2021, 95 % of counterfeit goods detained, where at least one IPR was identified, corresponded to detentions where at least one trade mark was infringed.

This was followed by copyright (4.31 %) and designs (0.86 %), both showing a dramatic drop for the period under consideration (see Figure 6-6 below⁽⁴¹⁾).

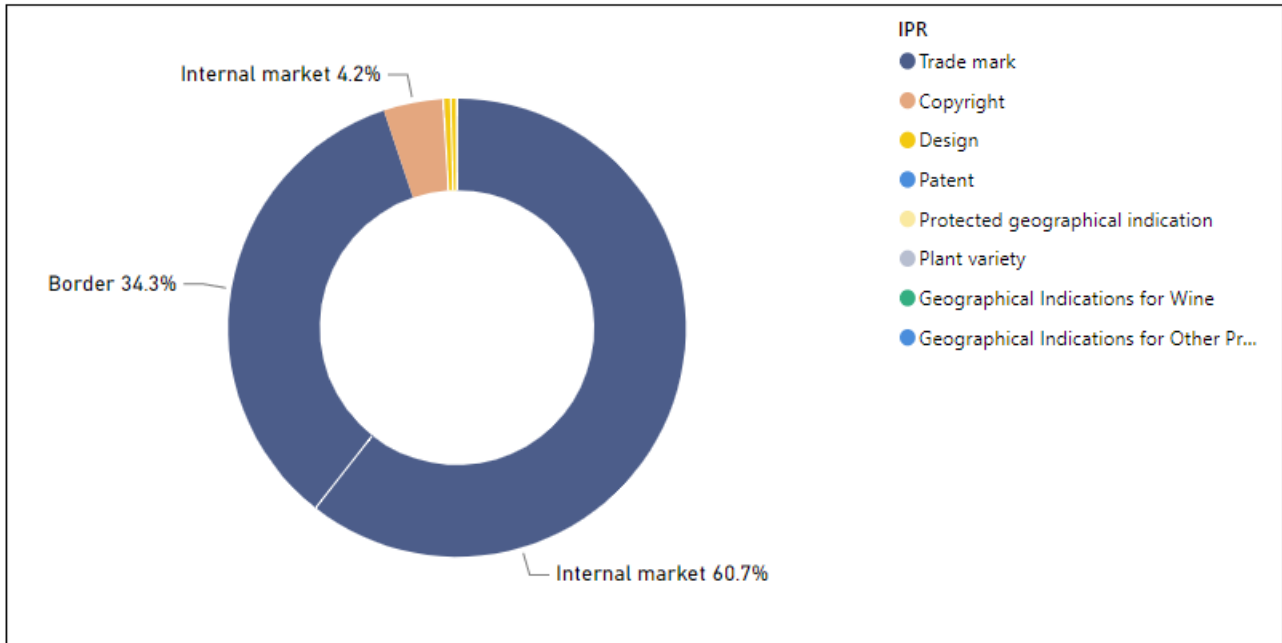


Figure 6-6: Share of reported not released detentions by type of IPR and type of detention (number of items) in 2021

A similar trend can be noticed in terms of the estimated value of items: in 2021, in detentions where at least one IPR was identified, nearly 85 % of this value related to detentions where at least one trade mark was infringed, again followed by copyright (almost 11 %) and designs (almost 6 %) (see Figure 6-7).

⁽⁴¹⁾Once again, percentages total more than 100 % because, both in COPIS and on the IPEP, there can be several infringed IPRs in the same record.

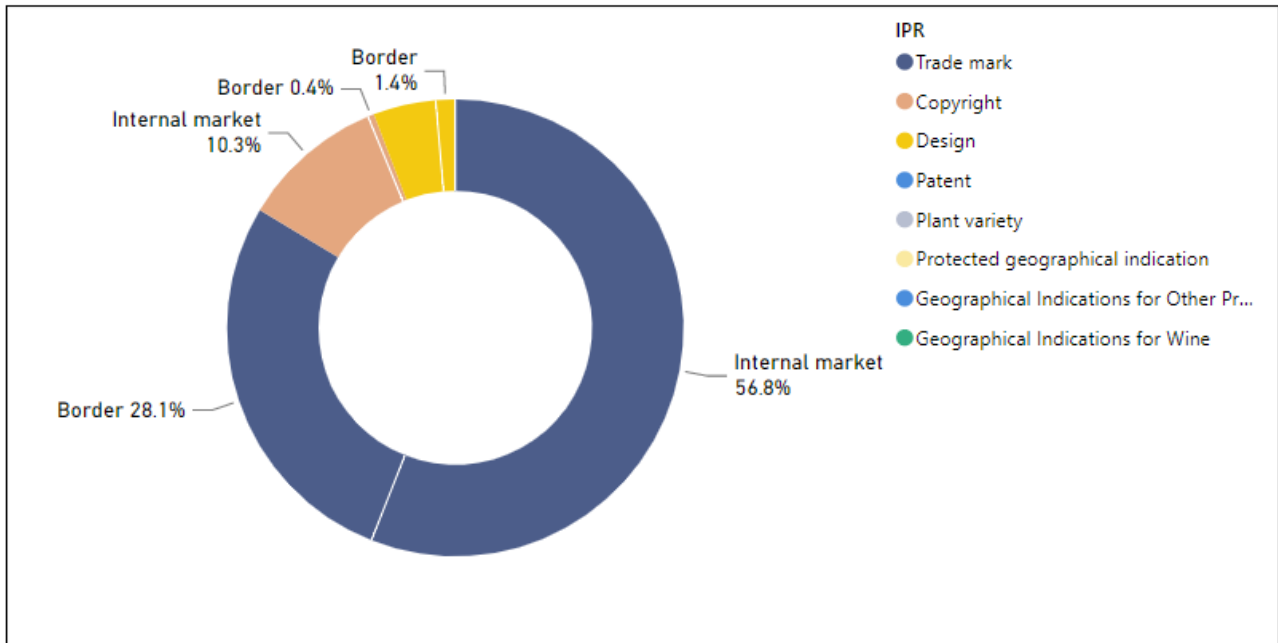


Figure 6-7: Share of reported not released detentions by type of IPR and type of detention (estimated value of items) in 2021

Moreover, similarly to what happened in the detentions of counterfeit goods in the EU internal market, the weight of designs as infringed IPR in the whole EU during 2021 was among the highest in the product subcategories of Home furniture, Mobile phones, Alcoholic beverages and Non-sport shoes. Copyright appears to be mostly infringed in Recorded CDs/DVDs, whereas patents are mostly declared as infringed IPR in the subcategory of Mobile phones. However, in all these subcategories, except for Recorded CDs/DVDs, trade marks are still the predominant IPR infringed.

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

Although the previous sections already tackled some characteristics of the detentions at the EU border and in the EU internal market, the comparison of the number of detentions carried out at the EU border and in the EU internal market deserves a more in-depth look from an additional angle, in particular regarding subcategories of products.

The purpose of this section is to highlight the main differences existing in the subcategories of products predominantly detained by customs at the EU border on the one hand, and competent enforcement authorities in the internal market on the other hand.

The methodology used, described in detail in Annex H, was based on the difference between the share that a subcategory of products represented in the detentions at the EU border and the share that the same products represented in detentions in the EU internal market. The shares were calculated for a comparable subset of the Member States in which the two sets of data were solidly available in 2021 ⁽⁴²⁾. This difference, or delta, is called ‘*ΔShare*’. The larger the delta, the larger the difference in the results of detentions of such products at the EU border versus in the EU internal market for the selected subset. Positive differences or deltas mean that the share of detentions of those subcategories of goods is higher at the EU border than in the EU internal market, and vice versa.

The subcategories for which these deltas were higher than 2 % in 2021 are shown below: Figure 6-8 shows data by number of items and Figure 6-9 by estimated value.

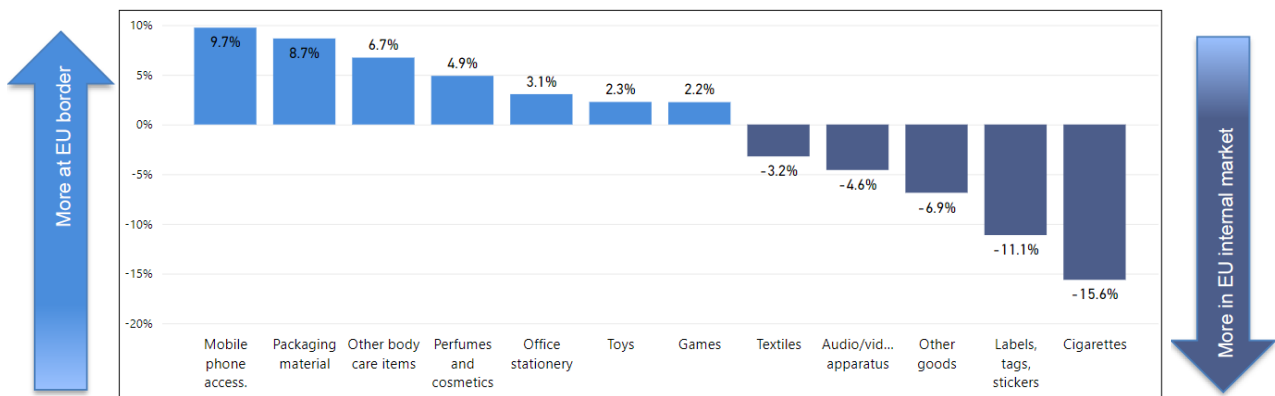


Figure 6-8: Difference in the share of detentions not released at the EU border versus in the EU internal market by number of items for the selected subset in 2021

⁽⁴²⁾ This subset contains detentions in 2021 in all the EU Member States except Greece, because of the data missing on the detentions at their border, and Denmark, Germany, Luxembourg, Austria, Slovenia and Sweden, because of the absence of data on their national market detentions.

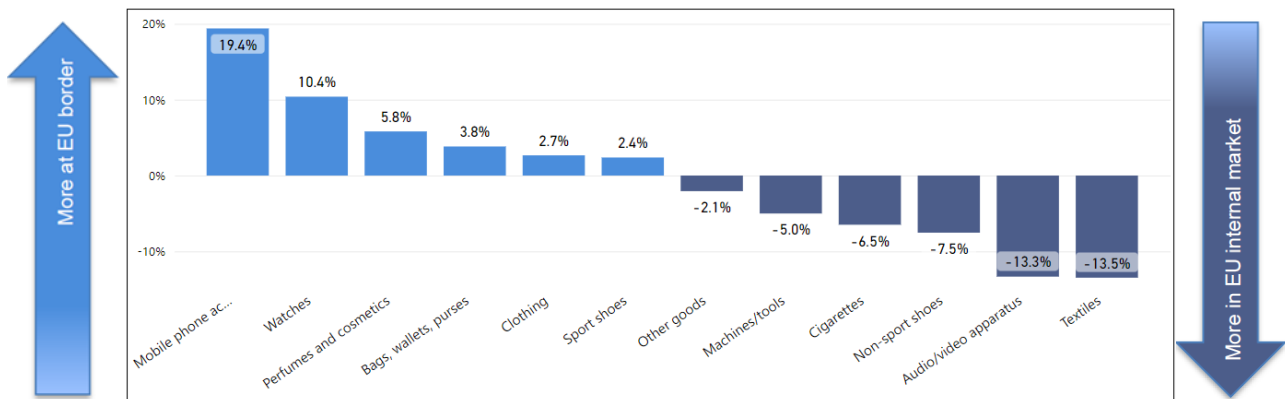


Figure 6-9: Difference in the share of detentions not released at the EU border versus in the EU internal market by estimated value of items for the selected subset in 2021

The in-depth look into this delta by subcategory of products, in terms of both quantity of items and their estimated value, shows that the enforcement authorities acting in the EU internal market and those acting at the EU border detained different types of goods in 2021.

The combination of both figures indicates that there were much more goods belonging to the subcategories of Mobile phone accessories and Packaging material detained at the EU border than in the EU internal market, whereas there were much more goods belonging to the subcategories of Cigarettes and Textiles detained in the EU internal market than at EU border.

List of figures and tables

Figures

Figure 2-1: Number of applications for action 2018-2021	15
Figure 2-2: Percentage of <i>ex officio</i> procedures 2018-2021	16
Figure 4-1: Number of cases registered	20
Figure 4-2: Number of procedures initiated	20
Figure 4-3: Number of articles detained.....	21
Figure 4-4: Estimated value of the detentions	21
Figure 4-5: Overview of Member States in terms of percentage of cases and articles 2021.....	22
Figure 4-6: Breakdown of result by procedure 2021.....	24
Figure 4-7: Top categories by number of articles 2021	26
Figure 4-8: Top categories by number of procedures 2021	27
Figure 4-9: Top categories by value 2021	28
Figure 4-10: Country of provenance by number of articles 2021	29
Figure 4-11: Country of provenance by value 2021.....	30
Figure 4-12: Breakdown of cases by type of traffic (freight/passenger) 2021.....	31
Figure 4-13: Registered cases by means of transport 2021.....	32
Figure 4-14: Detained articles by means of transport 2021.....	32
Figure 4-15: IPRs in percentage of articles 2021	34
Figure 4-16: IPRs in percentage of value 2021	34
Figure 4-17: Breakdown of cases by customs procedure 2021	35
Figure 4-18: Breakdown of articles by customs procedure 2021	36
Figure 4-19: Putting reported volumes of detentions of counterfeit products in relation to other trade figures.....	36
Figure 4-20: Ratio of detentions versus imports of counterfeit products at EU level	38
Figure 5-1: Reported quantity and estimated value of detained items in the EU internal market.....	40
Figure 5-2: Share of reported detentions by Member State (number of items) in 2021.....	41
Figure 5-3: Share of reported detentions by Member State (estimated value of items) in 2021	42
Figure 5-4: Share of reported detentions by subcategory of goods (number of items) in 2021.....	43
Figure 5-5: Share of reported detentions by subcategory of goods (estimated value of items) in 2021.	45
Figure 5-6: Share of reported detentions by type of IPR (number of items) in 2021.....	46
Figure 5-7: Share of reported detentions by type of IPR (estimated value of items) in 2021	47
Figure 6-1: Reported quantity and estimated value of items detained in 2021	49

Figure 6-2: Share of reported not released detentions by Member State and type of detention (number of items) in 2021	50
Figure 6-3: Share of reported not released detentions by Member State and type of detention (estimated value of items) in 2020	51
Figure 6-4: Share of reported not released detentions by subcategory of goods and type of detention (number of items) in 2021	52
Figure 6-5: Share of reported not released detentions by subcategory of goods and type of detention (estimated value of items) in 2021	53
Figure 6-6: Share of reported not released detentions by type of IPR and type of detention (number of items) in 2021	54
Figure 6-7: Share of reported not released detentions by type of IPR and type of detention (estimated value of items) in 2021	55
Figure 6-8: Difference in the share of detentions not released at the EU border versus in the EU internal market by number of items for the selected subset in 2021	56
Figure 6-9: Difference in the share of detentions not released at the EU border versus in the EU internal market by estimated value of items for the selected subset in 2021	57
Figure A-1: Number of detaining customs offices in 2021 per Member State.....	61
Figure C-1: Overview per product sector of number of procedures 2018-2021	74
Figure C-2: Overview per product sector of number of articles 2018-2021.....	74
Figure C-3: Articles carried by passengers in percentage of number of products 2021	79
Figure C-4: Countries of provenance in percentage of number of products 2021	79
Figure C-5: Countries of provenance in percentage of value 2021	79
Figure C-6: Countries of provenance in percentage of cases 2021	79
Figure C-7: Cases by means of transport 2021	81
Figure C-8: Articles by means of transport 2021	81
Figure C-9: Value by means of transport 2021	81
Figure C-10: Number of procedures in postal traffic 2021.....	82
Figure C-11: Number of articles in postal traffic 2021	82
Figure C-12: Top six countries of provenance of articles in postal traffic 2021.....	82
Figure D-1: Overview per product subcategory of number of articles 2018-2021.....	87
Figure D-2: Overview per product subcategory of estimated value 2018-2021	87

Tables

Table 4-1: Number of procedures and number of articles detained in 2021 by result of the procedure .	25
Table 4-2: Detentions, estimate of counterfeit products and ratio of detentions versus imports of counterfeit products at EU level	38
Table A-1: EU internal market reporting enforcement authorities	64
Table B-1: Availability of records of the EU internal market detentions per Member State and year	71
Table C-1: Evolution of the number of cases and number of articles detained per Member State	72
Table C-2: Breakdown per product sector of number of procedures, articles and retail value 2021	73
Table C-3: Overview per product sector of countries of provenance 2021	76
Table C-4: Top three countries of provenance by number of articles 2021	77
Table C-5: Top three countries of provenance by value (equivalent domestic retail value) 2021	78
Table C-6: Means of transport in relation to number of cases, articles and retail value	80
Table C-7: IPR type abbreviation code	83
Table D-1: Overview of number of articles detained and estimated value per Member State.....	84
Table D-2: Breakdown per product subcategory of number of items and retail value	86
Table E-1: Categories of the IPR product classification	88
Table E-2: Subcategories of the IPR product classification.....	89
Table F-1: Additional categories of the IPR product classification	90
Table F-2: Additional subcategories of the IPR product classification	90

Annexes

Annex A. Enforcement Authorities

A.1. EU BORDER

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

More than 550 different customs offices were behind the detentions reported in 2021 by the Member States' customs reporting authorities⁽⁴³⁾. The distribution of these customs offices over the different Member States shows, however, a substantial difference in terms of geographical concentration (see Figure A-1).

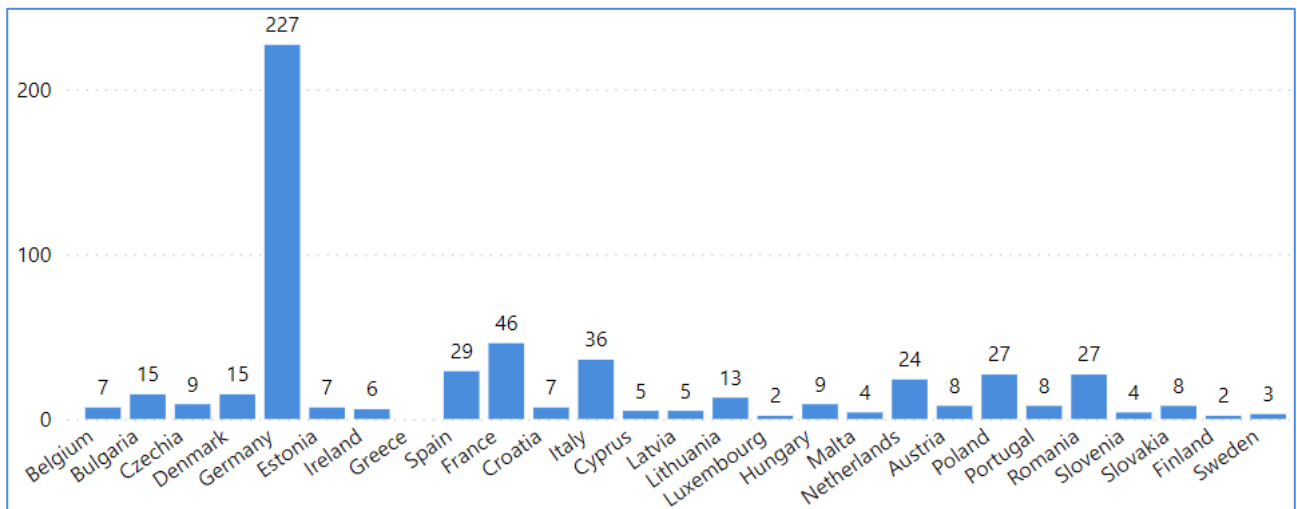


Figure A-1: Number of detaining customs offices in 2021 per Member State

⁽⁴³⁾ See footnote 21.

A.2. EU INTERNAL MARKET

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

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

Greece	Directorate of Data Management, Statistical Analysis and E-commerce Supervision. Interagency for Market Control Hellenic Ministry of Development and Investments.	Greek national market enforcement authorities do not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of counterfeit goods at the EU border.
Hungary	Hungarian National Police. Criminal Directorate. Criminal Division	The Hungarian National Police Criminal Directorate is in charge of inland detentions of only medical and pharmaceutical products.
	National Tax and Customs Administration. Department of Enforcement	
Ireland	An Garda Siochana. Intellectual Property Crime Unit / Irish Tax and Customs	Internal market data published by the Irish Tax and Customs authority resulted from the joint enforcement operations
	An Garda Siochana. Intellectual Property Crime Unit	
Italy	Ministero dello Sviluppo Economico. Direzione Generale per la Lotta alla Contraffazione. Ufficio Italiano Brevetti e Marchi	<p>The Italian system to aggregate data does not match with that of the IPEP. As a consequence, data on internal detentions of <i>foodstuffs and beverages, tobacco products and medicine products</i> are not loaded into the IPEP.</p> <p>The Italian system to define IPR type classifications does not match that of DG TAXUD. For this reason, the Italian data '<i>IPR Type</i>' are referred to in the IPEP as NOT PROVIDED with the exception of COPYRIGHT.</p> <p>The published figures on detained items from Carabinieri refer to both counterfeit and pirated goods.</p> <p>The data provided by Carabinieri do not indicate ID numbers of specific cases. Therefore, each row has been taken as a unique case.</p> <p>The figures published on detained items from Polizia di Stato refer to both counterfeit and pirated figures.</p> <p>The data provided by Polizia di Stato do not indicate ID numbers of specific cases. Therefore, each row has been taken as a unique case.</p> <p>The figures published on detained items from Polizia Municipale refer to both counterfeit and pirated goods.</p> <p>Although each Italian municipality has their own local police force, all the inland detentions issued by them will be available in the IPEP under the general heading '<i>POLIZIA MUNICIPALE</i>'.</p>
Latvia	State Latvian Police	The State Latvian Police does not report item values. Therefore, the item value used for the total detention estimation (EUR) is extracted from the yearly data on detentions of counterfeit goods at EU border.
Lithuania	State Patent Bureau	

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

Table A-1: EU internal market reporting enforcement authorities

As described in Annex B, the data on detentions used for the present document were the ones validated and published online in the IPEP until the end of 2021.

Annex B. Availability, quantity and quality of data

- Data on detentions at the EU border are regularly loaded into COPIS by the EU custom authorities.
- Data on reported detentions in the EU internal market are loaded into the IPEP on the basis of the data reported by different EU enforcement authorities. They are loaded yearly, but in different bulks of data depending on the enforcement authority.

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

- The analysis, including the graphs, tables and rankings, presented in section 4 on detentions at the EU border, are based on the data collected directly from EU customs of the 27⁽⁴⁴⁾ EU Member States through DG TAXUD's COPIS system. Data concerning the detentions in the EU internal market, presented in section 5, have been provided directly to the IPEP by the national enforcement authorities of 21 Member States. The information presented in section 6 on aggregated overall detentions has been produced on the basis of the same data used for the EU internal market analysis in section 5 plus data concerning detentions at the EU border that have been collated in the Portal. The latter are based on a subset (see eighth bullet point of this section) of data received in COPIS, in principle from the 27 Member States (see footnote 44).
- All data available in the IPEP have been published online, either directly by the data owners (the respective enforcement authority) or by the national offices in charge of coordinating the provision of the data at national level⁽⁴⁵⁾.
- The quality of the results of the analysis, as well as of any data, graphs, tables and rankings presented in this document, is conditioned by the quality of the data stored in the COPIS

⁽⁴⁴⁾ See however in section B.1.1 the interim lack of data from Greek border enforcement authorities during 2021.

⁽⁴⁵⁾ In some cases, the data have been published indirectly by the EUIPO on their behalf and with their written approval.

system and of the data published on the IPEP by, or on behalf of, the different reporting authorities.

- In the same way as DG TAXUD's reporting system, the IPEP collects data on the infringement of physical goods. Therefore, no data is provided on infringements related to intangible goods, such as online piracy⁽⁴⁶⁾, and it was not possible to solidly incorporate this kind of infringement into the document.
- DG TAXUD systematically collects the estimated total values of detentions at the EU border of goods infringing IPRs. As mentioned in section 4.3 'Data per product subcategory', the standard value for reporting by Member States at the EU border is the domestic retail value (DRV), which is the retail price at which the goods would have been sold on the Member State's market, had they been genuine. For reasons of consistency, the reporting in the IPEP of the estimated value of items detained in the EU internal market is also based on the estimated retail value of the genuine product, as reported by the corresponding reporting authorities.

Consequently, the products' estimated retail values may vary from one Member State to another or from one moment in time to another. Therefore, the collected estimated retail values assigned to the detained products are influenced and conditioned by the characteristics of the equivalent genuine products.

Moreover, and as also mentioned in section 4.3, the DRV method, particularly in the subcategories of luxury products, may lead to inflated estimated values of the goods detained, compared to alternative methods for valuing them. Indeed, in these subcategories (e.g. luxury watches), the retail price of the genuine good is much higher than that of, for instance, the fake product in the secondary markets⁽⁴⁷⁾ or than, alternatively, its cost. These are two alternative valuing methods that could also have been chosen.

However, the estimated value per item is not a mandatory field to be recorded in the IPEP by EU internal market enforcement authorities. Where no estimated value per item is provided,

⁽⁴⁶⁾With the sole exception of some Italian internal market enforcement authorities, see Table A-1 in section A.2 of Annex A.

⁽⁴⁷⁾Markets in which the buyers are completely aware that the products are counterfeits and in which they would therefore never pay the DRV.

figures on the economic value of the counterfeit goods are estimated, based on 'economic indicators'. These economic indicators are calculated based on the 'value per item' of similar products contained in the DG TAXUD annual EU border detentions data. Assigning an estimated value to a detention on the basis of economic indicators introduces an additional limitation to the accuracy of the data concerning detentions in the EU internal market and, hence, in the overall detentions.

- The set of data on detentions at the EU border used for the analysis in section 6 (overall detentions), does not coincide with that used in section 4 on detentions of goods infringing IPRs at the EU border. Indeed, after suspending the release of items suspected of infringing IPRs, customs authorities can either release them later, have them destroyed, or keep them under supervision for as long as the procedures for determining the infringement run. Only the last two situations, which both result in the goods very likely to be 'fake', were reported in the IPEP. Therefore, in the past, the IPEP only contained a subset of COPIS data. Consequently, the number of procedures registered in the IPEP was lower than those registered in COPIS by Member States' customs authorities. Since 2021, the set of COPIS data is completely gathered in IPEP. Progressively, the legacy of COPIS data will be updated in IPEP until its total completion.

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

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

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

B.1. EU BORDER DETENTIONS DATA

B.1.1. *Availability of records*

Records on reported detentions at EU Member State borders are usually available for 100 % of the Member States both in COPIS and, subsequently, in the IPEP. However, the set of data on 2018 and 2019 detentions from United Kingdom enforcement authorities, who, moreover, did not report on detentions at their part of the EU border during 2020, has been removed from the whole analysis.

Even more relevant, in the year covered in this report, 2021, for the first time in the history of the reports on the detentions of counterfeit products at the EU border, the data on the detentions carried out at the EU border by the authorities of one Member State were not provided on time. The lack of data from the Greek border enforcement authorities jeopardises any comparison of historical series including 2021 data, both at EU border level (section 4) and in the overall results (section 6), since historically (2018 to 2020) the detentions at the Greek part of the EU border represented on average more than 5 % of the number of articles detained at the whole EU border (approximately 4.8 million items) and more than 6 % of their value (approximately EUR 127.5 million).

B.1.2. *Description, availability and quality of fields*

The most important measurable fields (cases, procedures, articles and value) are available in 100 % of the records of COPIS. Moreover, most of the fields related to the itinerary of the goods detained (countries of provenance and destination, etc.), to the result of the detention (destruction under standard procedure or procedure for small consignments, release, etc.) and to the means of transport engaged are quite systematically available.

There are 36 subcategories used to describe the types of products detained at the EU border, classified under 12 main categories, (see Table E-1 and Table E-2 in Annex E).

B.2. EU INTERNAL MARKET DETENTIONS DATA

As far as the data on detentions of counterfeit products in the EU internal market are concerned, the IPEP is a living and dynamic tool, into which IPRs enforcers may upload data in several bulks, and may further update the information, since the Portal is used by a number of them as their own reporting tool. Consequently, an EU internal market enforcement authority could continue to load marginal bulks of detention data or to enter updates after the extraction for the analysis of a certain period has been carried out.

However, this has not been the case for the 2021 report and no enforcement authority entered any update. Therefore, no additional data on previous years' sets of detentions were uploaded after the data had been extracted for the analysis of the EUIPO's last report published in November 2021.

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

B.2.1. *Availability of records*

Different degrees of availability of records on the reported detentions for all EU Member States' national markets exist in the IPEP, as shown in Table B-1 in the following section.

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

At the moment of drafting this document, data for 2021 detentions in the EU internal market are still missing from Denmark, Luxembourg, Slovenia and Sweden, although the absence of their data in 2021 does not modify at any point the global picture of the trends.

Similarly, the information provided by those enforcement authorities of Belgium, Croatia, Hungary, Ireland and Italy participating in the exercise, is estimated to cover between 86 % and 95 % of the national market detentions made in the whole country.

In the case of Denmark, a Member State normally using the IPEP as a reporting tool, a change of the Enforcement Authority in charge of reporting the data on detentions at national level entailed a delay in its provision that made it impossible to take their figures into account for the present document. The gaps in information from Danish Enforcement Authorities who did not report on 2021 detentions can be estimated, on the basis of previous years' data, at around EUR 100 000 and some 3 000 items supposedly detained in the Danish national market during 2021.

B.2.2. *Description, availability and quality of fields*

Table B-1 summarises the availability of records from the different internal market national enforcement authorities⁽⁴⁸⁾.

⁽⁴⁸⁾ The percentage of availability of data includes the estimate of the percentage of volume of detentions made in the EU internal market of a given Member State by the enforcement authorities of those Member States participating in the reporting exercise.

Country	2020	2021
Belgium	90%	90%
Bulgaria	95%	100%
Czechia	100%	100%
Denmark	100%	0%
Germany	0%	0%
Estonia	100%	100%
Ireland	92%	92%
Greece	100%	100%
Spain	100%	100%
France	98%	98%
Croatia	82%	90%
Italy	86%	86%
Cyprus	100%	100%
Latvia	100%	100%
Lithuania	100%	100%
Luxembourg	100%	0%
Hungary	100%	95%
Malta	100%	100%
Netherlands	100%	100%
Austria	0%	0%
Poland	100%	100%
Portugal	100%	100%
Romania	100%	100%
Slovenia	100%	0%
Slovakia	100%	100%
Finland	0%	100%
Sweden	0%	0%

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

Moreover, despite the IPEP being ready to accommodate fields informing about the itinerary used (country of origin; country of shipment; country, city and type of place of detention and country of destination), about the means of transport engaged, and about whether the products detained were made in the EU or not, most of these fields were not completed by the EU internal market enforcement authorities in 2020 or 2021.

There are 44 subcategories used to describe the types of products detained in the internal market, 36 corresponding to the goods detained at the EU border plus eight more added (however, one of them is '16a – Not provided'). The subcategories are classified under the same 12 main categories within the classification used for goods detained at the EU border plus another four main categories, defined to accommodate the eight additional subcategories previously mentioned. The additional categories and subcategories can be seen in Table F-1 and Table F-2 in Annex F.

Annex C. Annexes to the results at the EU border

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

Member State	Number of cases			Number of articles		
	2020	2021		2020	2021	
Belgium	17 469	20 231	16%	4 837 237	2 006 442	-59%
Bulgaria	790	1 563	98%	2 094 712	3 930 300	88%
Czechia	682	728	7%	248 726	243 008	-2%
Denmark	8 455	3 484	-59%	187 428	59 796	-68%
Germany	19 873	18 326	-8%	3 411 029	18 248 857	435%
Estonia	251	144	-43%	13 838	49 393	257%
Ireland	1 836	5 189	183%	15 664	33 825	116%
Greece	111		-100%	754 226		-100%
Spain	1 935	2 504	29%	1 174 199	1 223 685	4%
France	718	772	8%	1 616 915	2 905 291	80%
Croatia	640	510	-20%	346 946	213 606	-38%
Italy	4 611	4 921	7%	4 804 926	1 009 499	-79%
Cyprus	94	132	40%	16 391	3 106	-81%
Latvia	208	254	22%	16 688	177 421	963%
Lithuania	532	468	-12%	79 659	133 874	68%
Luxembourg	201	99	-51%	6 705	2 730	-59%
Hungary	958	694	-28%	2 390 615	214 855	-91%
Malta	183	91	-50%	661 789	1 728 114	161%
Netherlands	1 571	2 152	37%	881 020	1 474 191	67%
Austria	3 318	8 210	147%	56 979	317 814	458%
Poland	428	533	25%	926 151	1 373 158	48%
Portugal	1 273	1 264	-1%	242 815	225 847	-7%
Romania	218	356	63%	1 337 076	5 782 087	332%
Slovenia	519	504	-3%	433 515	585 176	35%
Slovakia	1 707	1 109	-35%	90 080	12 672	-86%
Finland	148	7	-95%	119 947	251	-100%
Sweden	418	443	6%	156 897	17 712	-89%
Total	69 147	74 688	8%	26 922 173	41 972 710	56%

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

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

Product sector	Number of procedures	Number of articles (*)	Retail value original goods
Foodstuffs, alcoholic and other beverages	175	1 998 208	3 473 483 €
1a - Foodstuffs	49	293 997	1 594 906 €
1b - Alcoholic beverages	34	159 602	580 559 €
1c - Other beverages	92	1 544 609	1 298 018 €
Body care items	8 181	2 968 826	42 198 262 €
2a - Perfumes and cosmetics	8 078	1 274 253	38 915 572 €
2b - Other body care items (razor blades, shampoo, deodorant, toothbrushes, soap, etc.)	103	1 694 573	3 282 690 €
Clothing and accessories	49 205	1 811 010	136 668 334 €
3a - Clothing (ready-to-wear)	43 284	1 430 996	121 428 766 €
3b - Clothing accessories (belts, ties, shawls, caps, gloves, etc.)	5 921	380 014	15 239 568 €
Shoes, including parts and accessories	24 495	522 984	63 445 380 €
4a - Sport shoes	16 485	219 191	24 987 736 €
4b - Non-sport shoes	8 010	303 793	38 457 644 €
Personal accessories	25 867	452 512	282 013 780 €
5a - Sunglasses and other eye-glasses	2 382	21 939	6 024 318 €
5b - Bags including wallets; purses; cigarette cases and other similar goods that can be carried in a person's pocket/bag	15 075	233 800	83 828 608 €
5c - Watches	5 986	80 915	140 859 664 €
5d - Jewellery and other accessories	2 424	115 858	51 301 190 €
Mobile phones, including parts and technical accessories	3 017	2 147 447	115 680 154 €
6a - Mobile phones	528	85 875	16 477 335 €
6b - Parts and technical accessories for mobile phones	2 489	2 061 572	99 202 819 €
Electrical/electronic and computer equipment	2 115	573 270	49 924 549 €
7a - Audio/video apparatus including technical accessories and parts	1 655	233 495	21 894 479 €
7b - Memory cards/sticks	80	37 669	973 969 €
7c - Ink cartridges and toners	8	1 167	101 055 €
7d - Computer equipment (hardware), including technical accessories and parts	185	238 019	25 061 626 €
7e - Other equipment, including technical accessories and parts (household machines, electric razors, hair straighteners, etc.)	187	62 920	1 893 420 €
CDs, DVDs, cassettes, game cartridges	36	28 512	345 992 €
8a - Recorded (music, film, software, game software, etc.)	24	3 715	188 167 €
8b - Unrecorded	12	24 797	157 825 €
Toys, games (including electronic game consoles) and sporting articles	3 322	2 175 410	24 282 009 €
9a - Toys	2 597	1 744 544	19 829 111 €
9b - Games (including electronic game consoles)	564	399 790	3 583 568 €
9c - Sporting articles (including leisure articles)	161	31 076	869 330 €
Tobacco products	19	1 040 988	10 742 980 €
10a - Cigarettes	10	1 032 427	10 036 096 €
10b - Other tobacco products (cigars, cigarette paper, electronic cigarettes and refills, etc.)	9	8 561	706 884 €
Medical products	1 038	548 697	3 896 396 €
11a - Medicines	1 038	548 697	3 896 396 €
Other	6 570	27 704 846	72 862 102 €
12a - Machines and tools	175	13 787	645 783 €
12b - Vehicles including accessories and parts	1 592	801 761	26 674 986 €
12c - Office stationery	59	476 079	686 272 €
12d - Lighters	54	157 485	140 892 €
12e - Labels, tags, stickers	557	1 029 478	2 899 617 €
12f - Textiles (towels, linen, carpet, mattresses, etc.)	1 279	120 988	10 816 552 €
12g - Packaging materials	831	18 845 907	3 914 663 €
12h - Other goods	2 023	6 259 361	27 083 337 €
Total	124 040	41 972 710	805 533 421 €

Table C-2: Breakdown per product sector of number of procedures, articles and retail value 2021

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

C.3. OVERVIEW PER SECTOR OF NUMBER OF PROCEDURES 2018-2021

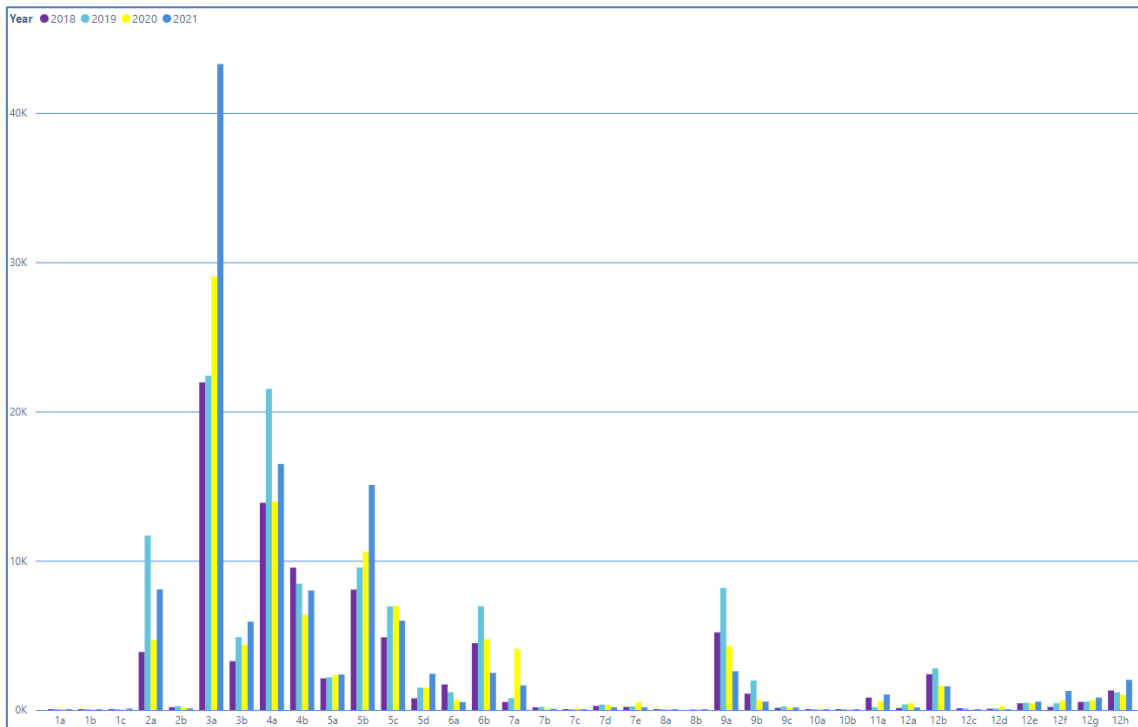


Figure C-1: Overview per product sector of number of procedures 2018-2021

C.4. OVERVIEW PER SECTOR OF NUMBER OF ARTICLES 2018-2021

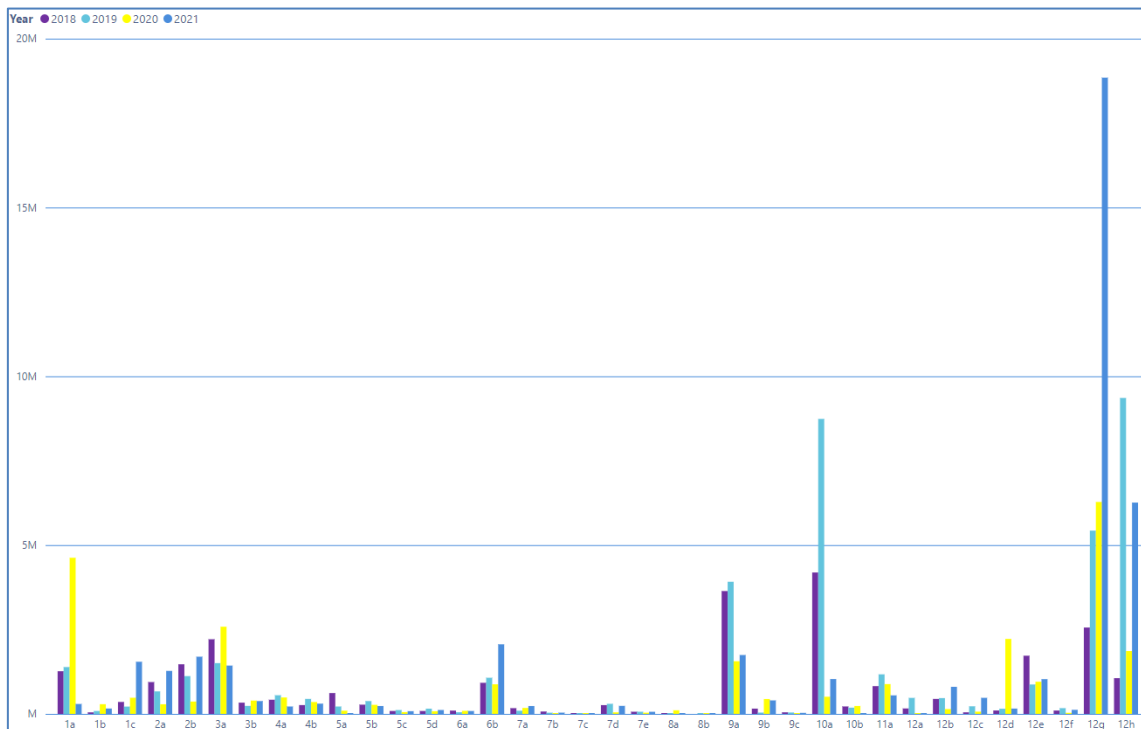


Figure C-2: Overview per product sector of number of articles 2018-2021

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

Product sector		Number of articles, not released, in %, according to country of provenance		
Foodstuffs, alcoholic and other beverages				
1a	Foodstuffs	Türkiye 45.98	Syria 39.10	China 10.33
1b	Alcoholic beverages	Switzerland 38.59	Latvia 35.69	Netherlands 25.72
1c	Other beverages	Türkiye 85.19	Ukraine 6.25	Lebanon 3.69
Body care items				
2a	Perfumes and cosmetics	Türkiye 52.50	China 44.92	United Arab Emirates 1.07
2b	Other body care items (razor blades, shampoo, deodorant, toothbrushes, soap, etc.)	China 46.31	Hong Kong, China 32.75	Singapore 20.20
Clothing and accessories				
3a	Clothing (ready-to-wear)	Türkiye 69.02	China 13.21	Hong Kong, China 5.84
3b	Clothing accessories (belts, ties, shawls, caps, gloves, etc.)	Hong Kong, China 30.21	Spain 24.75	China 22.86
Shoes, including parts and accessories				
4a	Sports shoes	China 50.48	Türkiye 25.92	Greece 12.52
4b	Non-sports shoes	China 59.19	Hong Kong, China 15.51	India 13.95
Personal accessories				
5a	Sunglasses and other eyeglasses	Hong Kong, China 58.39	China 30.15	Greece 4.06
5b	Bags, including wallets, purses, cigarette cases and other similar goods that can be carried in a person's pocket/bag	China 40.32	Hong Kong, China 28.81	Türkiye 21.00
5c	Watches	China 45.41	Hong Kong, China 45.10	United Kingdom 2.15
5d	Jewellery and other accessories	China 63.11	Hong Kong, China 28.84	United Kingdom 2.46
Mobile phones, including parts and technical accessories				
6a	Mobile phones	China 75.02	Hong Kong, China 21.31	United Arab Emirates 1.97
6b	Parts and technical accessories for mobile phones	China 80.84	Hong Kong, China 17.78	United Kingdom 0.64
Electrical/electronic and computer equipment				
7a	Audio/video apparatus, including technical accessories and parts	Hong Kong, China 63.50	China 27.33	United Kingdom 5.68
7b	Memory cards/sticks	Hong Kong, China 54.46	China 43.76	United Arab Emirates 1.69
7c	Ink cartridges and toners	China 100		
7d	Computer equipment (hardware), including technical accessories and parts	China 59.97	Hong Kong, China 21.05	United Arab Emirates 18.95

7e	Other equipment, including technical accessories and parts (household machines, electric razors, hair straighteners, etc.)	China 60.04	India 30.22	Hong Kong, China 7.54
CDs, DVDs, cassettes, game cartridges				
8a	Recorded (music, films, software, game software)	Hong Kong, China 83.81	Belarus 8.23	United Kingdom 5.49
8b	Unrecorded	China 96.93	Hong Kong, China 1.98	Thailand 1.08
Toys, games (including electronic game consoles) and sporting articles				
9a	Toys	China 94.70	Hong Kong, China 2.91	Malaysia 0.88
9b	Games (including electronic game consoles)	China 95.41	Hong Kong, China 4.56	Unknown 0.01
9c	Sporting articles (including leisure articles)	Pakistan 58.04	China 21.71	Hong Kong, China 19.68
Tobacco products				
10a	Cigarettes	Cambodia 99.86	Greece 0.14	
10b	Other tobacco products (cigars, cigarette papers, electronic cigarettes and refills, etc.)	United Arab Emirates 95.69	United Kingdom 4.31	
Medical products				
11	Medicines and other products (condoms)	China 44.81	United Kingdom 20.48	Belgium 13.93
Other				
12a	Machines and tools	China 64.26	Türkiye 24.18	Hong Kong, China 11.51
12b	Vehicles, including accessories and parts	China 81.30	Hong Kong, China 11.84	Türkiye 4.62
12c	Office stationery	China 99.93	Hong Kong, China 0.05	Türkiye 0.02
12d	Lighters	China 99.96	Türkiye 0.03	
12e	Labels, tags, stickers	Hong Kong, China 64.60	China 22.77	Türkiye 7.39
12f	Textiles (towels, linen, carpets, mattresses, etc.)	China 58.01	Türkiye 30.76	Vietnam 4.33
12g	Packaging material	China 90.99	Vietnam 8.00	Pakistan 0.56
12h	Other goods	China 47.20	Ethiopia 22.08	Türkiye 20.08
	Overall	China 70.02	Türkiye 9.26	Hong Kong, China 6.41

Table C-3: Overview per product sector of countries of provenance 2021

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

Top 1	Articles	% of total
China	23 167 660	100%
Packaging material	15 020 829	65%
Other goods	1 945 528	8%
Mobile phone access.	1 476 964	6%
Toys	1 272 604	5%
Other body care items	488 550	2%
Office stationery	473 877	2%
Perfumes and cosmetics	472 216	2%
Games	352 607	2%
Vehicle accessories	291 099	1%
Medicines	224 359	1%

Top 2	Articles	% of total
Türkiye	3 065 176	100%
Other goods	827 746	27%
Clothing	827 150	27%
Perfumes and cosmetics	551 831	18%
Other beverages	498 127	16%
Foodstuffs	89 280	3%
Labels, tags, stickers	52 180	2%
Sport shoes	49 730	2%
Clothing accessories	42 200	1%
Bags, wallets, purses	34 147	1%
Textiles	28 453	1%

Top 3	Articles	% of total
Hong Kong, China	2 120 694	100%
Labels, tags, stickers	456 107	22%
Other goods	350 793	17%
Other body care items	345 443	16%
Mobile phone access.	324 927	15%
Audio/video apparatus	129 219	6%
Clothing accessories	75 991	4%
Clothing	69 964	3%
Packaging material	64 121	3%
Bags, wallets, purses	46 859	2%
Vehicle accessories	42 409	2%

Table C-4: Top three countries of provenance by number of articles 2021

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

Top 1	Value	% of total
China	289 344 265 €	100%
Mobile phone access.	79 284 972 €	27%
Watches	53 730 315 €	19%
Bags, wallets, purses	28 095 548 €	10%
Clothing	26 377 185 €	9%
Sport shoes	15 763 860 €	5%
Non-sport shoes	14 853 270 €	5%
Toys	12 085 784 €	4%
Other goods	10 756 584 €	4%
Perfumes and cosmetics	10 047 413 €	3%
Jewellery	8 605 694 €	3%

Top 2	Value	% of total
Hong Kong, China	194 782 636 €	100%
Watches	68 067 562 €	35%
Jewellery	29 926 548 €	15%
Bags, wallets, purses	22 857 481 €	12%
Audio/video apparatus	15 351 162 €	8%
Mobile phone access.	13 220 132 €	7%
Clothing	9 188 315 €	5%
Non-sport shoes	9 122 066 €	5%
Other goods	5 172 923 €	3%
Clothing accessories	4 383 302 €	2%
Sunglasses	4 247 292 €	2%

Top 3	Value	% of total
Türkiye	120 078 561 €	100%
Clothing	59 659 464 €	50%
Perfumes and cosmetics	20 957 828 €	17%
Bags, wallets, purses	18 817 696 €	16%
Watches	4 219 189 €	4%
Textiles	3 916 707 €	3%
Clothing accessories	3 700 258 €	3%
Jewellery	2 738 883 €	2%
Sport shoes	1 970 221 €	2%
Non-sport shoes	1 407 264 €	1%
Other goods	1 301 165 €	1%

Table C-5: Top three countries of provenance by value (equivalent domestic retail value) 2021

C.8. OVERVIEW OF PASSENGER TRAFFIC

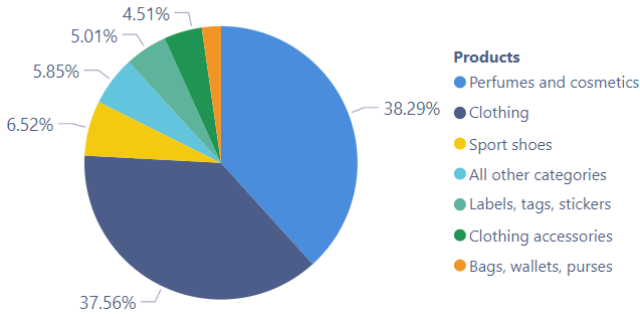


Figure C-3: Articles carried by passengers in percentage of number of products 2021

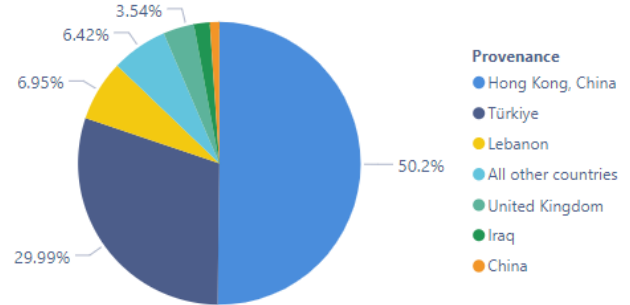


Figure C-5: Countries of provenance in percentage of value 2021

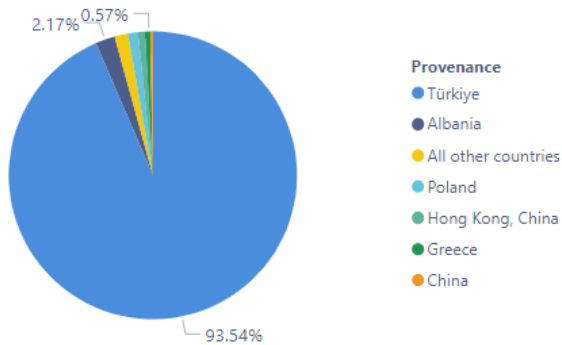
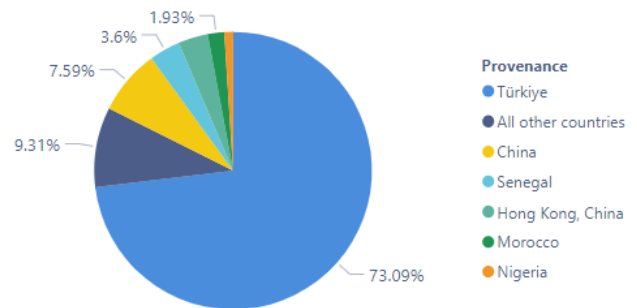


Figure C-4: Countries of provenance in percentage of number of products 2021



Cases with combined released and not released suspected goods counted

Figure C-6: Countries of provenance in percentage of cases 2021

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

Year Transport mean	2018		2019		2020		2021	
	Cases	%	Cases	%	Cases	%	Cases	%
Air	8 563	12.56%	10 998	12.07%	7 061	10.21%	7 561	10.12%
Express courier	11 104	16.29%	19 784	21.72%	12 801	18.51%	21 200	28.38%
Own Propulsion							2	0.00%
Post	46 138	67.69%	57 760	63.40%	47 030	68.01%	42 734	57.22%
Rail	23	0.03%	27	0.03%	37	0.05%	22	0.03%
Road	1 022	1.50%	828	0.91%	1 239	1.79%	2 229	2.98%
Sea	1 311	1.92%	1 699	1.87%	979	1.42%	940	1.26%
Waterway			3	0.00%				

Year Transport mean	2018		2019		2020		2021	
	Articles	%	Articles	%	Articles	%	Articles	%
Air	2 139 660	8.48%	2 014 273	5.04%	1 968 274	7.31%	3 952 696	9.42%
Express courier	3 421 398	13.56%	1 251 639	3.13%	1 370 017	5.09%	1 697 379	4.04%
Own Propulsion							1 087	0.00%
Post	640 412	2.54%	568 430	1.42%	783 025	2.91%	1 020 435	2.43%
Rail	62 911	0.25%	523 655	1.31%	917 720	3.41%	41 572	0.10%
Road	5 425 297	21.50%	6 613 789	16.55%	8 486 416	31.52%	8 067 372	19.22%
Sea	13 548 899	53.68%	28 493 124	71.29%	13 396 721	49.76%	27 192 169	64.79%
Waterway			504 120	1.26%				

Year Transport mean	2018		2019		2020		2021	
	Value	%	Value	%	Value	%	Value	%
Air	74 980 828 €	12.37%	141 434 666 €	20.22%	131 663 595 €	16.93%	233 760 530 €	29.02%
Express courier	102 748 462 €	16.95%	72 364 413 €	10.34%	101 562 516 €	13.06%	81 611 807 €	10.13%
Own Propulsion							945 450 €	0.12%
Post	74 649 295 €	12.31%	103 972 601 €	14.86%	133 567 639 €	17.18%	120 446 365 €	14.95%
Rail	1 063 991 €	0.18%	6 892 361 €	0.99%	4 965 686 €	0.64%	871 697 €	0.11%
Road	73 560 529 €	12.13%	30 232 142 €	4.32%	136 117 843 €	17.50%	127 329 392 €	15.81%
Sea	279 189 290 €	46.06%	344 436 301 €	49.23%	269 753 198 €	34.69%	240 568 181 €	29.86%
Waterway			293 480 €	0.04%				

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

C.10. OVERVIEW OF MEANS OF TRANSPORT

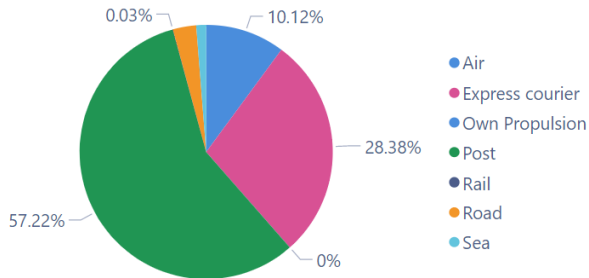


Figure C-7: Cases by means of transport 2021

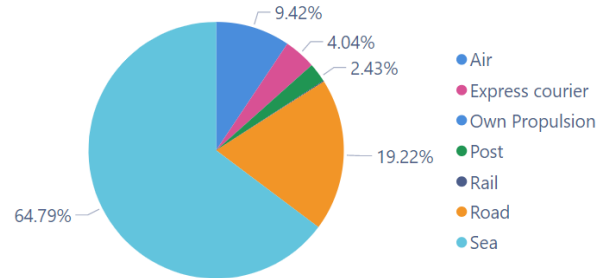


Figure C-8: Articles by means of transport 2021

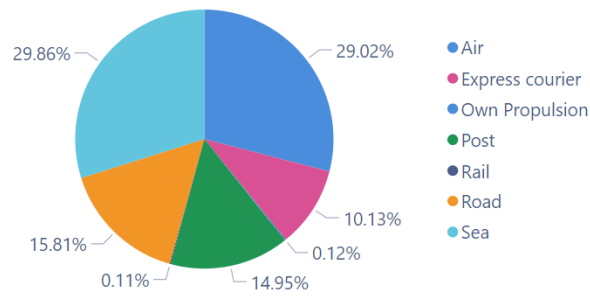


Figure C-9: Value by means of transport 2021

C.11. OVERVIEW OF POSTAL TRAFFIC

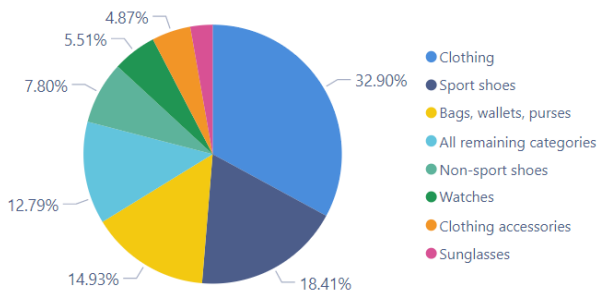


Figure C-10: Number of procedures in postal traffic 2021

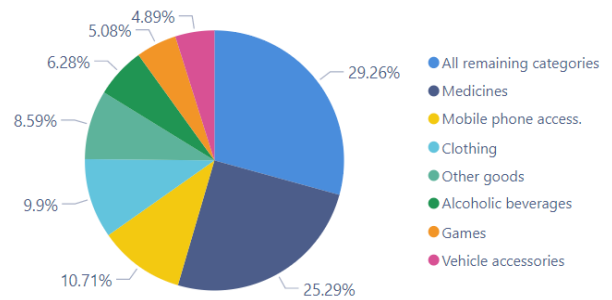


Figure C-11: Number of articles in postal traffic 2021

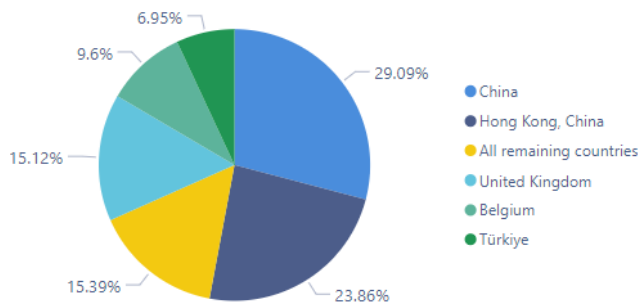


Figure C-12: Top six countries of provenance of articles in postal traffic 2021

C.12. IPR TYPE ABBREVIATION CODE

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

Table C-7: IPR type abbreviation code

Annex D. Annexes to the results in EU internal market

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

Year Country	2020		2021	
	No. of items	Estimated value	No. of items	Estimated value
Belgium	83 729	€8,182,660	104 934	€11,377,439
Bulgaria	3 248 630	€2,966,456	17 113	€936,625
Czechia	150 821	€6,647,219	157 582	€14,340,144
Denmark	318 129	€742,410		
Estonia	0	€0	2	€100
Ireland	23 665	€519,992	4 256	€99,239
Greece	8 710 733	€630,401,712	345 089	€24,349,224
Spain	1 545 453	€53,228,990	1 773 205	€53,671,680
France	2 099 261	€103,028,368	2 916 518	€185,318,389
Croatia	294 011	€53,302,417	25 014	€1,994,444
Italy	17 886 508	€181,097,518	32 930 147	€794,682,207
Cyprus	16 767	€1,132,087	41 404	€5,231,538
Latvia	3 125	€188,098	0	€0
Lithuania	1 682	€468,517	13 610	€680,500
Luxembourg	0	€0		
Hungary	8 911 127	€236,147,401	747 270	€29,908,375
Malta	11	€4,214	85	€60,293
Netherlands	319 404	€5,555,536	11 365 745	€106,219,025
Poland	28	€1,400	757	€37,850
Portugal	1 289 030	€9,370,657	2 742 427	€21,652,471
Romania	909 625	€4,635,426	1 440	€71,807
Slovenia	0	€0		
Slovakia	22 117	€891,951	35 054	€2,105,465
Finland			0	€0
Total	45 833 856	€1,298,513,031	53 221 652	€1,252,736,816

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

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

Year	2021	
	No of items	Estimated value
Main category		
01 Foodstuffs, alcoholic and other beverages	1 285 882	€2,751,660
Foodstuffs	1 194 564	€85,152
Alcoholic beverages	91 013	€2,658,679
Other beverages	305	€7,830
02 Body care items	375 901	€22,070,220
Perfumes and cosmetics	370 523	€22,034,416
Other body care items	5 378	€35,804
03 Clothing and accessories	4 467 584	€221,367,138
Clothing	3 092 334	€172,884,340
Clothing accessories	1 375 250	€48,482,798
04 Shoes including parts and accessories	1 036 065	€187,629,849
Sport shoes	331 637	€33,294,305
Non-sport shoes	704 428	€154,335,544
05 Personal accessories	241 433	€145,260,539
Sunglasses	25 686	€3,252,872
Bags, wallets, purses	163 749	€55,509,768
Watches	17 611	€55,532,055
Jewellery	34 387	€30,965,844
06 Mobile phones including parts and technical accessories	467 396	€25,023,566
Mobile phones	99 570	€3,280,543
Mobile phone access.	367 826	€21,743,022
07 Electrical/electronic and computer equipment	2 906 845	€183,098,270
Audio/video apparatus	2 569 671	€171,956,598
Memory cards/sticks	1 963	€35,730
Computer equipment	29 987	€487,975
Other electronics	305 224	€10,617,966
08 CD, DVD, cassette, game cartridges	23 651	€143,404
Recorded CDs/DVDs	17 619	€142,587
Unrecorded CDs/DVDs	6 032	€818
09 Toys, games (including electronic game consoles) and sporting articles	2 353 218	€18,550,489
Toys	2 317 604	€17,853,923
Games	28 929	€166,401
Sporting articles	6 685	€530,165
10 Tobacco products	11 763 742	€109,667,538
Cigarettes	11 762 582	€109,664,924
Other tobacco	1 160	€2,614

11 Medicines	7 967	€5,987
Medicines	7 967	€5,987
12 Other	28 271 065	€336,017,429
Machines/tools	851 008	€62,164,754
Vehicle accessories	127 138	€7,381,521
Office stationery	226	€9,612
Lighters	204 480	€187,462
Labels, tags, stickers	7 505 311	€8,242,315
Textiles	1 873 219	€181,162,599
Packaging material	381 501	€952,774
Other goods	17 328 182	€75,916,392
13 Furniture	765	€158,756
Home furniture	430	€115,600
Other furniture	335	€43,156
14 Construction materials and machinery	1	€25
Construction materials	1	€25
15 Online counterfeit and pirate products	224	€49,570
Illegal streaming/downloading	174	€9,570
Online sale/offer of counterfeit products	50	€40,000
16 Not Provided	19 913	€942,376
Not provided	19 913	€942,376
Total	53 221 652	€1,252,736,816

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

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

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

Table E-1: Categories of the IPR product classification

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

Table E-2: Subcategories of the IPR product classification

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

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

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

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

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

Annex G. Methodological notes for comparing detentions at the EU border with estimate of counterfeit products

Comparing detentions at the EU border with an estimate of counterfeit products trespassing that border imposes certain constraints, in the identity of the events and the magnitudes and units of measure behind the figures compared. It is also needed to guarantee the homogenisation of the breakdowns by different dimensions (chronological, geographical, per product types, etc.).

Three OECD-EUIPO reports, referred to in footnotes 30, 31 and 32 and conducted on illicit trade, calculated a ceiling of the estimated volume of such counterfeit goods for the years 2013, 2016 and 2019.

Besides, since the source for the OECD-EUIPO reports estimating the ceiling of the trade of counterfeit products in the EU was precisely the data of detentions provided by DG TAXUD (see page 49 of the report referred to in footnote 30), it can be concluded that the set of products at stake was substantially equivalent both in the trade of counterfeit products and in the detention of those products. It follows that the figures of the OECD-EUIPO reports for ceilings of trade in counterfeit and pirated goods at EU level can be compared with those related to detentions of such products reported from COPIS without much manipulation⁽⁴⁹⁾.

For the sake of homogenisation, and considering the methodology applied for the calculation of the estimate of counterfeit products, the detentions to be considered for comparing with the estimate of counterfeit products are those:

- that arose within one of the three custom procedures of Import, Transit EU or Warehouse;
- not resulting in any of the three following custom actions: Release of non-original goods – lack of infringement, Original products or Release of goods because the right holder does not take action;

⁽⁴⁹⁾ However, it shall be emphasised that only absolute figures of estimate of counterfeit products from the OECD-EUIPO studies may be used since, in terms of the percentages of the global trade (imports), it appears clearly that the OECD-EUIPO study considered a very broad scope of equivalent categories of goods in trade.

- destined for one of the 28/27 Member States.

Once again, it is the magnitude 'value', measured in euro, which will be used for comparing.

Moreover, as described in the OECD-EUIPO reports referred to previously, the GTRIC method used for the estimation of fakes does not provide a point estimate of the value of counterfeit goods imported from third countries but the ceiling of this estimation. It follows that the ratio 'detentions of fakes vs estimate of fakes' calculated in this document represents a floor rather than a point estimate.

Considering the homogenisation of the chronological dimension, the estimate of counterfeit products only exists for 2013, 2016 and 2019, since the OECD/EUIPO study is only launched every 3 years. Therefore, only the detentions of counterfeit products during these 3 years are pertinent. Unfortunately, the data on detentions of counterfeit products during 2013 could not be evaluated in detail. Only those appearing in the DG TAXUD 2013 annual report⁽⁵⁰⁾ have been used to 'rebuild' a proxy of the value of the detentions of that year complying with the conditions described previously.

Finally, a drill-down of the ratio of counterfeit products detained versus counterfeit products traded at Member State level or per product subcategory is not possible because of the lack of availability of statistically accurate figures for the ceilings of trade in counterfeit and pirated goods at those levels. There is therefore no need to face the methodological challenges that would have entailed the homogenisation of these other two dimensions (geographical and per product type).

⁽⁵⁰⁾ EU Commission DG TAXUD (2014), [Report on EU customs enforcement of intellectual property rights. Results at the EU border 2013](#)

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

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

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

However, to make the comparison appropriate, it is important to choose a subset of Member States in which there is a solid availability of data on detentions both at the EU border and in the EU internal market. Since the data on detentions at the EU border are available almost systematically for all Member States (see section B.1 of Annex B), the solidity of the set of countries to be chosen is determined by the availability of data on detentions in the EU internal market during that year (see section B.2 of Annex B). On the basis of that availability, the analysis described here has to be restricted to the selected subset.

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

$$QShare_i^{EUborder}$$

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

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

$$QShare_i^{EUintmark}$$

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

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

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

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

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

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

$$VShare_i^{EUborder}$$

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

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

$$VShare_i^{EUintmark}$$

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

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

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

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

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

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

*EU enforcement of intellectual property rights:
results at the EU border and in the EU internal market 2021*

ISBN 978-92-9156-328-9

© European Union Intellectual Property Office, 2022

Reuse is allowed provided the source is acknowledged and changes are mentioned (CC BY 4.0)

