



EU enforcement of  
**intellectual property rights:**  
results at the EU border and  
in the EU internal market 2022

November  
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2022**

## Executive Summary

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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) at the border and in the internal market. The third edition provides the figures for the detentions of IPR infringing goods in 2022.

The factual document on the 'EU enforcement of intellectual property rights: results at the EU border and in the EU internal market, 2022', has been produced from the data on the detentions at the EU border reported by the customs authorities of the 27 EU Member States<sup>(1)</sup>, through the EU wide anti-counterfeit and anti-piracy information system (COPIS)<sup>(2)</sup>, as well as the data on detentions within the internal market reported by the enforcement authorities of 24 out of 27 EU Member States<sup>(3)</sup>, 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.

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<sup>(1)</sup> In the [EU enforcement of intellectual property rights: results at the EU border and in the EU internal market 2021](#) of the previous year the data on the detentions carried out at the EU border by Greece was not provided within the necessary timeframe to be included in the report. In the current edition of the report, this 2021 data is now included and this fact has produced discordances between the 2021 figures presented in the previous report and the updated ones in this year's document.

<sup>(2)</sup> 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.

<sup>(3)</sup> To be succinct, the part of the EU internal market corresponding to a Member State will be referred to as the Member State's national market. As in past editions, 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 2022 national market detentions is still missing from Luxembourg, although due to the overall volumes, their absence in 2022 does not affect at any point the global picture of the trends.

## **Detentions at the EU border in 2022**

The annual number of detentions of goods <sup>(4)</sup> suspected of infringing an IP right by customs authorities at the EU border decreased by 15 % in 2022 compared to the previous year (from circa 75 000 cases in 2021 to circa 63 000 cases in 2022). The number of initiated procedures has also decreased by 21 %, from over 125 000 in 2021 to approximately 99 000 in 2022, while the number of detained articles also dropped by 43 % (from over 42 million in 2021 to approximately 24 million in 2022, which is even less than during the year of the COVID-19 lock down in 2020). However, the estimated value of the detained articles has increased by 11 % (from approximately EUR 847 million to approximately EUR 943 million).

In 2022, the ranking of the top identified categories of detained products did not vary and the cheaper products still dominated the more expensive ones in terms of quantity, although their shares decreased. In fact, almost the same subcategories – *packaging material; toys; clothing; other beverages; labels, tags and stickers* – remained at the top of the list of detained products, with lower quantities and shares than in the previous year, but, as mentioned before, with a higher total estimated value. Indeed, the considerable increase in the estimated unitary value, especially of some of the most expensive categories, combined with a shift in the basket of detained products towards generally more expensive categories, explains the modest increase in the total estimated value, despite the overall significant decrease in the number of detained articles.

In terms of the number of procedures, the most frequent product subcategories were common consumer products – *clothing* and footwear, including *sport shoes* and *non-sport shoes* as in 2021 – and, with even more presence than in the previous year, luxury products such as *bags, wallets and purses; clothing accessories; jewellery* and *watches*. In terms of the number of articles detained, the identified subcategories in which the unitary item is usually smaller in size and value and are mainly transported in bigger shipments such as in containers – *packaging material; toys; labels, tags and stickers* and *mobile phone accessories* – were in the top eight positions. The subcategory with the highest number of detained items was *packaging material*. This category has a negative impact due to its potential multiplier effect on the production of more counterfeit products and is potentially even more threatening in combination with *labels, tags and stickers*, which is ranked in 5th position

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<sup>(4)</sup> 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.

in 2022. In terms of the estimated value of the detained products, luxury products whose corresponding genuine items have a high unitary domestic retail value (in particular due to the brands involved), such as *watches; clothing; bags, wallets, purses; non-sport shoes and jewellery*, clearly lead the ranking.

As to the provenance of the articles infringing IPRs entering the EU, the volumes show the preponderance 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, when looking at the identified<sup>(5)</sup> detained goods infringing IP rights, the category of goods most detained with a provenance in China is *packaging material*. Among those coming from Türkiye, *clothing* prevails as the most detained type of items and for goods coming from Hong Kong, China, *mobile phone accessories* is the most detained category.

In terms of means of transport, the highest number of detention cases in 2022 continued to be goods transported via post and express courier<sup>(6)</sup>. Following the trend over the last few years, the number of detention cases of goods transported by post has decreased, whereas the increasing trend of detention cases of goods transported by express courier has come to an end. In terms of the number of counterfeit articles, maritime and road detentions still account for the majority of all detained articles. The share of detentions involving express courier services increased (surpassing that of air transport) while the share of air and road transport decreased.

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 of IPR.

The products reported as detained at the EU border due to IP rights infringement are a fraction of the comparable goods imported from third countries into EU Member States. The ratio of reported detentions of counterfeit products at EU borders to the total number of equivalent imported goods crossing those borders provides some indication of whether the detentions are keeping pace with

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<sup>(5)</sup> Subcategories of identified products exclude that of *other goods*.

<sup>(6)</sup> Post and express courier are transport modalities which could use different means of transport (e.g. air, road, sea, etc.). However they are considered transport means for the purposes of this report. As such, the remaining transport means (air, road, sea, etc.) exclude the goods transported under post and express courier modalities (e.g. goods transported by air through the express courier modality are counted as express courier but not as air).

trade or whether counterfeits are gaining ‘importance’ (or share) relative to trade <sup>(7)</sup>. The ‘importance’ (or share) of counterfeits relative to global trade may be due either to the priority given by EU enforcement authorities to tackling counterfeiting, or to a possible increase in IP infringements as a whole, for example because infringers find IP crimes less costly in terms of fines and sentences, or finally, perhaps due to an increased demand for counterfeits.

The figures show that in 2022 around EUR 0.44 of counterfeit goods were detained at the EU border per EUR 1 000 of equivalent imported goods. The series of ratios shows that the share of detained goods in total trade increased from 2019 to 2020 but fell back to the 2019 ratio in 2021 and even further in 2022. Hence the ‘importance’ (or share) of counterfeits decreased at the end of this four-year period.

In terms of product categories, the detentions of counterfeit *foodstuffs; alcoholic and other beverages* and *clothing accessories* and, to a lesser extent, counterfeit *bags, wallets; purses* and *electrical/electronic and computer equipment* grew faster than the trade in these goods (somehow indicating an increasing ‘importance’ of counterfeits of these goods in trade), whereas the detentions of counterfeit *sunglasses and other eye-glasses; shoes* and *toys, games and sporting articles* grew slower than the total trade, somehow indicating a decreasing ‘importance’ of counterfeits in these categories of goods.

### **Detentions within the EU internal market in 2022**

The trend of IPR-infringing goods detained in the EU internal market increased in 2022 compared to the previous year. According to the figures reported by police, customs and market surveillance authorities, the number of IPR-infringing goods reported as detained in 2022 (67 million) was approximately 14 million higher than in 2021 (53 million), representing an annual increase of almost 26 %. Despite that increase in the number of detained items, the estimated value of those items (approximately EUR 1 226 million) decreased by EUR 27 million, representing an annual decrease of around 2 %, due to a significant shift in the basket of detained subcategories towards cheaper products.

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<sup>(7)</sup> Within the respective universe: a class of products, the EU as a whole, one importing MS, etc.

For both the number of items detained and the estimated value, the top six Member States accounted for almost 97 % of total detentions in the internal market in 2022. Italy leads the ranking with over 63 % of the total number of detained items, and almost 55 % of the total estimated value. Spain, France, the Netherlands and Hungary also ranked in the top six in both the number of items and the estimated value of detentions, whereas Bulgaria and Greece complete the ranking in terms of number of items detained and estimated value respectively.

Among the top five product subcategories, *games* ranked first in terms of number of items reported as detained within the EU internal market, followed by *cigarettes*, *packaging material* and *toys* and, to a lesser extent, by *recorded CDs/DVDs*. In terms of their estimated value, two subcategories, *games* and *jewellery*, topped the list followed by *bags, wallets and purses*; *clothing* and *non-sport shoes*.

Finally, for another year, trade marks are the most infringed IPR type in the EU internal market, this time closely followed by copyrights (49 % and 45 % of the articles detained respectively). Other types of rights were infringed in the internal market, such as designs (around 5 % of the items detained) and patents (around 0.03 %).

### **Overall detention data in 2022: 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 2022<sup>(8)</sup>. This shows a very slight decrease of less than 2 % of the number of items reported as detained and not released compared to 2021 (87 million items). Over 78 % 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 2 billion. This value represents an increase of circa 3 % compared to the previous year, despite the (limited) decrease in the number of items. In 2022, almost 60 % 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 of previous years.

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<sup>(8)</sup> 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 above picture of low year-to-year variation in total detentions results from the compensation of higher year-to-year variations in detentions at the EU border and in the EU internal market. Indeed, the variations in the quantity and estimated value of goods seized at the EU border were almost offset by quasi-equivalent variations in the opposite direction for goods seized in the EU internal market.

The 10 Member States with the highest number of reported detentions accounted for over 96 % of the total volume of detentions and over 94 % of the total estimated value of detentions. Italy recorded the highest individual share in terms of volume, with over 50 % of the total number of items detained and over 33 % of the total value of detentions EU.

Overall, the five most common subcategories of identified detained products, in terms of the number of items detained in the whole EU, were *games*; *packaging material*; *toys*; *cigarettes* and *recorded CDs/DVDs*. These five subcategories accounted for more than 72 % of the products recorded. In terms of the estimated value of the items reported, the subcategories of products identified were led by *watches*; *clothing*; *bags, wallets and purses*; *jewellery* and *games*. These five subcategories represented almost 64 % of the estimated value of detentions reported during 2022.

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