

**United Nations Economic Commission for Europe
Team of Specialists on Intellectual Property
4th Annual Session**

Global and Regional IPR Enforcement Initiatives



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EU 2009 IPR Enforcement

Initiatives Overview

- 2009 IPR Enforcement Report – Setting the EU priorities
- EU participation in ACTA negotiations
- EU bilateral free-trade agreements
- European Observatory on Counterfeiting and Piracy

1. Identifying barriers

2009 IPR Enforcement Report

- Based on data from business and network of EU embassies around the world (over 400 replies, covering 70 countries) -
(<http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property>)
- Sets **priorities** for EU action on the promotion of IPR enforcement around the world
- **Tool for businesses** (SMEs) : informs them of type of IPR difficulties when operating in certain countries.

1. Identifying barriers

2009 IPR Enforcement Report

- “**Priority Countries**“: biggest injury to EU trade interests.
- Emphasis on cooperation and **dialogue** but also warning that EU cannot tolerate continued, systematic and large scale infringements of IPR
- IP enforcement, result-oriented discussions (“Dialogues”) and cooperation ongoing with Argentina, Brazil, China, Japan, Russia, US, Ukraine. Turkey should start soon.

2. Priorities for actions

A. Free Trade Agreements

- Clarify and complement TRIPS through substantive standards **concerning copyright, trademarks, patents, data protection, geographical indications and designs**
- **IPR Enforcement rules based on *EU acquis***
 - 2004 (Civil) Enforcement Directive
 - 2003 Customs Regulation
 - Basic clauses on penal enforcement
 - 2000 E-commerce Directive and 2001 Information Society Directive

2. Priorities for actions

A. Free Trade Agreements

- Recently concluded with **Korea, Colombia, Peru, Central American**
- Advanced negotiations with **Ukraine, India, Canada**
- Other negotiations of agreements including IPR chapter may soon start/resume with **China, Mercosur, Lybia, Singapore**

2. Priorities for actions

B. Anti-Counterfeiting Trade Agreement

- ACTA aims to build on existing international IP rules, in particular on TRIPS, addressing enforcement issues where participants have identified that an international legal framework does not exist or needs to be strengthened.
 - cooperation between enforcement authorities;
 - adoption of best practices;
 - improved legislation, building upon TRIPs

2. Priorities for actions

B. Anti-Counterfeiting Trade Agreement

- Participants: EU (27 Member States), Mexico, US, Japan, Canada, Korea, Australia, New Zealand, Morocco, Switzerland, Singapore.
- Negotiations started in June 2008. Aim to conclude in 2010. Nine rounds so far. Next round in Washington.
- No substantive IP provisions but enforcement rules. No plot! Not “the end of civil liberties”! But comparing the most effective laws and practices to promote improved standards of enforcement that can be accepted by a group of countries.

2. Priorities for actions

C. European Counterfeiting and piracy Observatory

- Launched in April 2009, at the request of European Council. Members : European Commission, National Authorities from 27 Member States and stakeholders (industry, consumers, etc.) to exchange ideas and expertise
- Need for **non regulatory measures** to complement existing legislation even if new legislation not excluded.

2. Priorities for actions

C. European Counterfeiting and piracy Observatory

- Primary functions:
 1. improving the collection and use of **information** and **data**;
 2. promoting and spreading **best practice** amongst both public authorities and private sector strategies and
 3. raising **public awareness**.
- First Report on impact of counterfeiting and piracy in 2010.

2. Priorities for actions

D. Stakeholders Dialogues

- Need to build coalitions in traditional areas of conflict and to put old differences aside.
- 2 important stakeholder dialogues commenced:
 1. Sale of **counterfeit** goods over the Internet
 2. Illegal up and **downloading** (piracy)

2. Priorities for actions

D. Stakeholders Dialogues

a) Dialogue on Sale of Counterfeit Goods over the Internet

- Commission hosting monthly meetings with:
 - range of key rights holders and
 - internet based **auction houses** and other **e-commerce operators**
- Addressing specific issues to reach voluntary agreements on practical solutions and measures, e.g. more effective Notice and Take Down; filtering, etc
- Goal - joint Memorandum of Understanding in 2010

2. Priorities for actions

D. Stakeholders Dialogues

b) Illegal up and downloading over the Internet

- Monthly meetings with **key rights holders** and **ISPs, Telco's.**
- Obviously sensitive situation politically
- Goal : joint education and awareness raising strategies and Memorandum of Understanding late 2010

Conclusions

- IP to remain a **strategic priority** for EU leaders and business
- Only **long-term** efforts will pay off
- Results will be proportional to commitment
- EU Commission determined to defend legitimate interests of rightholders and Member States – very importantly, this is also in the interest of 3rd countries: no developed economy without IP.

For more information:

<http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property> or