Enforcement of intellectual property rights in the internal market

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The Council adopted a resolution on the enforcement of intellectual property right in the internal market.

The Council recognises the shared responsibility of the Commission and the Member States to make the internal market work more effectively, particularly in the field of the protection of intellectual property. It stresses the **importance of developing new competitive business models** enlarging the legal offer of cultural and creative content and at the same time **preventing and combating piracy** as necessary means for fostering economic growth, employment and cultural diversity. Therefore, efforts to encourage creation of and access to online content and services in the European Union should be increased and, to that effect, robust solutions, which are practical, balanced and attractive for both users and right holders alike, need to be found. The Council welcomes the recent creation and work of the European Observatory on Counterfeiting and Piracy.

The resolution calls upon Member States to **develop national anti-counterfeiting and anti-piracy starategies** and to establish transparent coordination structures in this field.

In particular, the **Commission** is called upon to:

- to analyse the application of Directive 2004/48/EC, including an assessment of the effectiveness of the measures taken, and, if necessary, propose appropriate amendments to ensure a better protection of intellectual property rights;
- to consider how to support the review of Council Regulation 44/2001/EC (Brussels I) Regulation with a view to simplifying the cross-border enforcement of judicial decisions in order to ensure an effective intellectual property rights protection;
- to analyse the opportunity of submitting an amended proposal for a Directive on criminal measures aimed at combating counterfeiting and piracy;
- assess, in close cooperation with Member States, how best to enhance coordination, cooperation, information exchange and mutual assistance between all national and European authorities involved in combating counterfeiting and piracy;
- to analyse, in cooperation with Member States and economic operators, the efficacy of these agreements in the fight against counterfeiting in the internal market in order to state the existing best practices.

The resolution encourages the **Commission, the Member States and stakeholders**,including consumers:

- to analyse and implement effective awareness campaigns with a view to public awareness in relation to the impact of counterfeiting and piracy on society and on the economy;
- to pursue ongoing dialogues and to resolutely seek agreements on voluntary practical measures aimed at reducing counterfeiting and piracy in the internal market, both online and offline.

The **Member States and the Commission** are invited to:

- to explore how to make best use of the experience and knowledge readily available in the European Union and in national intellectual property offices to examine the possibilities for providing

information to right holders, in particular small and medium-sized enterprises, through the strengthening of existing and the possible creation of new portals or helpdesks, in order to enable them to effectively and efficiently protect their intellectual property;
- to act towards promoting appropriate and effective levels of protection of intellectual property in both bilateral and multilateral international agreements with due regard to the Union acquis.

Lastly, the Council invites the **European Observatory on Counterfeiting and Piracy** to:

- to facilitate regular experts' meetings, involving representatives from public authorities, private sector bodies and consumer organisations, to promote successful and proportional solutions against counterfeiting and piracy;
- to publish each year a comprehensive Annual Report covering the scope, scale and principal characteristics of counterfeiting and piracy, as well as its impact on the internal market;
- to extend the study of causes, consequences and the effects of violations of intellectual property rights on innovation, competitiveness, the labour market, healthcare, security, creativity and cultural diversity in the internal market;
- to explore the need for the implementation of European Union level training programmes for those involved in combating counterfeiting and piracy.