

Resolution on the Anti-Counterfeiting Trade Agreement (ACTA)

2010/2935(RSP) - 24/11/2010 - Text adopted by Parliament, single reading

Following the debate which took place during the sitting of 20 October 2010, the European Parliament adopted by 331 votes 294 with 11 abstentions a resolution on the Anti-Counterfeiting Trade Agreement (ACTA) to which Parliament will have to give its consent prior to the Agreement's entry into force in the EU, following the entry into force of the Lisbon Treaty in December 2009.

The resolution had been tabled by the ALDE, Greens/ALE, S&D, EFD, ECR, GUE/NGL, and EPP groups.

Welcoming the release of the 2 October 2010 draft of the Anti-Counterfeiting Trade Agreement following the Tokyo negotiating round, Parliament states that it expects the Commission to release to Parliament and the public the finalised ACTA text following the technical negotiation meeting in Sydney from 30 November to 3 December 2010. It is fully aware that the agreement negotiated will not solve the complex and multi-dimensional problem of counterfeiting, but considers that it is a step in the right direction.

Members welcome the Commission's repeated statements that enforcement of the ACTA provisions – especially those on copyright enforcement procedures in the digital environment – will be fully in line with the *acquis communautaire* and that neither personal searches nor the so-called 'three strikes' procedure will be introduced by this agreement. They point out that no ACTA signatory, and particularly not the EU, may be mandated by the agreement to introduce a 'three strikes' or similar regime.

Parliament calls on the **Commission to confirm that ACTA's implementation will have no impact on fundamental rights and data protection**, on the ongoing EU efforts to harmonise IPR enforcement measures, or on e-commerce. It emphasises that any decision taken by the Commission as part of the ACTA Committee must lie within the scope of the *acquis* and may not unilaterally change the content of ACTA. Therefore any proposed change to ACTA would need to be adopted by Parliament and the Council in accordance with Article 207 and 218, TFEU.

Members emphasise that **ACTA will not change the EU *acquis* in terms of IPR enforcement**, because EU law is already considerably more advanced than the current international standards, and that it therefore represents an opportunity to share best practices and guidelines in this area. It considers ACTA as a tool for making the existing standards more effective, thus benefiting EU exports and protecting right-holders when they operate in the global market, where they currently suffer systematic and widespread infringement of their copyrights, trademarks, patents, designs and Geographical indications (GIs).

On the issue of GIs, the resolution stresses the importance, for European companies and employment in the EU, of protecting GIs. It acknowledges the efforts made by the Commission to include the protection of GIs within the scope of ACTA. However, Parliament finds it regrettable that **the agreement does not define 'counterfeit geographical indications'**, as this omission could create confusion or at least complicate the tasks of administrative and judicial authorities in the interpretation and enforcement of ACTA.

Members welcome the fact that the parties agreed, following EU insistence, that the criminalisation of 'camcording' should be merely optional. They also welcome the fact that ACTA membership is not

exclusive and that additional developing and emerging countries may join, thus promoting widespread IPR protection and enhancing the fight against counterfeiting worldwide. They consider that, in the future, ACTA could potentially attain a multilateral level.