Enforcement of intellectual property rights

2003/0024(COD) - 22/12/2010 - Follow-up document

The Commission presents a Staff working document which accompanies the report from the Commission on the application of Directive 2004/48/EC on the enforcement of intellectual property rights. The paper describes the transposition of the different articles of the Directive by Member States and their application in practice, problems which have arisen in the interpretation of some provisions but also sets out other issues that currently are not explicitly covered by the Directive but have proved to be of importance for an effective enforcement of intellectual property rights. It draws a number of conclusions as to the issues that could be addressed in the context of a possible review of the Directive. These issues include the following:

- the concept of intermediaries and the workability of injunctions;
- the scope of the Directive;
- the question of the right balance between the right of information and privacy laws;
- other issues including options available to address problems in collecting evidence in cross-border cases and the usefulness of harmonising the secondary use of goods infringing intellectual property rights and possible problems related to such harmonisation.