Strategy for the protection and enforcement of intellectual property rights in third countries

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PURPOSE: to present a strategy for the protection and enforcement of intellectual property rights (IPR) in third countries.

BACKGROUND: according to a recent study, the IPR-intensive sectors account for around **39% of EU GDP** (worth some EUR 4.7 trillion annually) and, taking indirect jobs into account, represent up to 35% of all jobs. However, some estimate that **the EU loses about EUR 8 billion of its GDP a year because of counterfeiting and piracy**, and that global costs could reach as high as USD 1.7 trillion by 2015.

In 2004, the Commission In 2004, the Commission defined a **"Strategy for the enforcement of intellectual property rights in third countries"**. But, the last 10 years have seen not only significant technological change - under the impact of globalisation - but also considerable evolution of the nature and scope of the challenges and risks posed by IPR to European companies. The 2004 strategy must be reviewed to meet these challenges.

The March 2014 European Council reaffirmed the importance of intellectual property (IP) as a key driver for growth and innovation and highlighted the need to fight against counterfeiting to enhance the EU's industrial competitiveness globally.

CONTENT: this Communication reviews the approach adopted by the Commission in 2004 and sets **a revised strategy to promote IPRs and combat IPR infringements abroad**. It will highlight ways in which existing policy approaches can be improved in keeping with the times, and also proposes tools and ideas to deal with new realities.

With regard to the protection of intellectual property rights at the international level, the Commission proposes to:

- ensure **regular interaction with all stakeholders** - right-holders, public authorities, civil society, the European Parliament - so as to discuss the EU's goals and the impact of IPR infringements in third countries, and explain the EU's efforts to enhance IPR enforcement in those countries and the environment to promote the inventor trail;

- enhance **data collection** regarding goods detained at EU borders, suspected of infringing IP rights;

- conduct **regular surveys** in order to maintain a list of "priority countries" for focused EU efforts;

- ensure a strong and coherent role for the EU in **international IPR fora** in line with the Lisbon Treaty;

- continue **multilateral efforts** to improve the international IPR framework, including by encouraging further ratification of existing treaties and ensuring that IPR chapters in **bilateral trade agreements** offer adequate and efficient protection for right-holders;

- ensure the Commission can make recourse to **dispute settlement mechanisms** or other remedies where the EU's rights under international agreements are infringed;

- enhance **"IP Dialogues"** with key third countries and use high-level trade and political dialogues to ensure progress on identified IPR issues;

- Provide and promote awareness of appropriate **IP-related technical assistance programmes to third countries**, including on the possible use of IP flexibilities;

- **directly support economic operators** in overcoming concrete difficulties on IP issues;

- enhance **networking** and coordination of actions between EU and Member States representations in third countries;

- consider restricting **participation in specific EU-funded programmes** in sufficiently serious and clearly targeted cases;

- continue **assistance to right-holders** and consider further posting of IPR experts to key EU delegations.

The Communication is complemented by an EU Action Plan that focuses on the enforcement of IPRs on the Single Market and the development of deeper cooperation between customs authorities in the EU and in third countries with respect to trade of IP-infringing goods, as foreseen in the EU Customs Action Plan.