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

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The Committee on International Trade adopted an own-initiative report by Alessia Maria MOSCA (S&D, IT) on the Strategy for the protection and enforcement of intellectual property rights in third countries, in response to the Commission communication on the same subject.

Members appreciated the approach followed by the Commission, in particular with regard to the call for balance between divergent interests. They considered that the debate on a fair balance between rightholders' interests and end users' interests is multifaceted and extremely complex, with economic interests on all sides. The Commission should explore how an informed and transparent **public debate can be had on the protection and enforcement of IP** and what this means for consumers.

The report stressed that it is not sufficiently clear by what **means and by what method** the results included in the communication could be achieved, in particular as regards what resources will be used and where they will be taken from, also considering the limited resources made available for the purpose of supporting EU rightholders who export or who establish themselves in third markets. There is **no clear indication of coordination between internal policies and external policies** regarding the protection of IPR.

Members stressed that IPR protection should be seen as a **first step towards establishing access to a third country's market**. The ability to exercise effectively recognised IP rights is contingent upon substantive protection, including **effective enforcement and remedies**, in the country concerned.

Members also considered that adequate measures to combat IPR infringements can contribute in the fight against organised crime, money laundering and tax evasion.

The report considered that the strategy should be **better adapted to the digital environment** and that **geographical indications** are as important as other types of intellectual property.

The committee insisted, *inter alia*, on the following issues:

- the need for an informed, balanced and more transparent public debate on enforcement of IPR, involving all interested parties and balancing all private and public interests;
- the Commission and the Member States should enter into a **structured dialogue with online platforms** on how best to identify and tackle the sale of counterfeit goods given that the problem of IPR infringements has multiplied in recent years as a consequence of digitalisation;
- the Commission should work with the Internet Corporation for Assigned Names and Numbers (ICANN) and the World Intellectual Property Organization (WIPO) to establish a **protection mechanism for geographical indications on the internet**;
- the Commission should contribute to creating an **environment in which the interests of the Member States and of third countries are convergent**, and where there is a reciprocal interest in the creation of high-standard protection frameworks coupled with effective remedies;
- the Commission and the Member States should: (i) continue to ensure support for a **constructive dialogue on access to medicines** and to find ways to facilitate access to medicines for the populations of the poorest countries, who are unable to obtain the best treatments currently available; (ii) continue efforts to ensure that border measures intended to **block the importation of counterfeit medicines** do not negatively affect the transit of generic drugs;

- better, appropriately **harmonised**, internal IPR-related policies could be helpful in the effort to improve the standard of protection and enforcement of IPR globally;
- the Commission should take further steps in line with the outcome of the public consultation of its Green paper ‘Making the most out of Europe’s traditional know-how’ concerning a **possible extension** of geographical indications protection of the Union to non-agricultural products;
- the Commission and the Member States should **uphold IPRs more effectively in all relevant multilateral organisations** (the WTO, the World Health Organisation and the World Intellectual Property Organisation); in negotiations for **bilateral free trade agreements**, appropriate attention should be given to chapters on intellectual property;
- the Commission should make more regular recourse to relevant **dispute settlement mechanisms**, including the WTO’s Dispute Settlement Body, when the rights of the Union’s economic operators, including all IPR holders, are infringed.

Lastly, Members considered that EU economic operators and consumers in third countries in which IPR infringements are more common should be especially protected through an extension of the **IPR Helpdesk** .