Towards a renewed consensus on the enforcement of intellectual property rights: an EU action plan

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The Committee on Legal Affairs adopted an own-initiative report by Pavel SVOBODA (EPP, CZ) on the Commission communication entitled: 'Towards a renewed consensus on the enforcement of Intellectual Property Rights: An EU Action Plan'.

The report welcomed the Commission action plan. Its key objective should be to ensure the **effective, evidence-based enforcement of IPR**, which plays a key role in stimulating **innovation, creativity, competitiveness, growth and cultural diversity**. Ensuring fair remuneration for creators should be a crucial element of the EU action plan.

According to members, the enforcement of IPR is not merely a driver for jobs and growth across the Union but is essential for the **proper functioning of the single market**. Moreover, IPR are not just copyrights but also **trademarks and patents**, among others, and that each of these is vital to the value of Europe's goods and services. The Commission is urged to continue the work of taking IPR into account as a factor in the competitiveness of the European economy.

Involving all actors in the supply chain, both on- and offline: the report stated that all actors in the supply chain have a role to play in the fight against IPR infringement and should be involved in this process. Members stressed:

- the importance of ensuring the **application of due diligence throughout the supply chain**, including the digital supply chain and all the key actors and operators therein, such as creators, artists and rights holders, producers, intermediaries, internet service providers, online sales platforms, end users and public authorities;
- the importance of **sector-based agreements and good practice guides** to combat IPR infringements; members welcomed the approach of depriving IPR infringers of their revenues by means of agreements between right-holders and their partners;
- **the involvement of organised crime in international IPR-infringing activities** and the high importance of delivering a European coordinated solution, strengthening the audit measures in place while implementing the 'follow the money' principle, to safeguard consumer interests.

Consumer awareness and information: welcoming the approach taken by the Commission to develop targeted awareness campaigns, members recommended a broader information campaign regarding the Intellectual Property Right Holders and Enforcement Authorities Platform so that right holders have a more active role in defending their rights across the European Union.

They considered that at the same time that **consumers should be better able to identify infringing offers so that they can decide not to proceed with a given purchase**. They called on the Commission and the Member States to reflect further on the development of specific tools and guidelines, and to have an evidence-based examination and possible development of a harmonised system of procedures for notification/withdrawal of infringing goods and content, so that consumers and undertakings can take action when they are misled, in the same way as they can act to draw attention to undesirable content.

Developing new business models: Members reiterated their demand that the Commission and the Member States put more pressure on the industry to develop, in all Member States, licit offers that are both diversified and attractive so that consumers genuinely have every opportunity to purchase licit goods or to use licit content.

The report stressed the need for a more **holistic approach focussing on how to meet consumer demand** by increasing the availability and consumption of innovative and affordable legal offers, based on business models that are adapted to the internet and that allow for the removal of barriers, creating a truly European digital single market, while maintaining a balance between the rights of consumers and the protection of innovators and creators.

Moreover, the report:

- emphasised the importance of **improving civil enforcement procedures for SMEs and individual creators as regards IP**, as they play a key role in the creative and cultural sectors and often do not have the capacity to have their rights enforced, given the complexity, cost and length of such procedures;
- called on the Commission to make full use of the data collected by the **European Observatory on Infringements of Intellectual Property Rights**, to draw conclusions with regard to, and propose solutions for improving, IPR enforcement that can be used by policy-makers;
- welcomed the establishment by the Commission of an expert group on IPR enforcement, and calls on it to ensure that Parliament is involved more closely;
- invited the Commission to come up with a detailed assessment of the limitations of the current legal framework as regards online activities and, if appropriate, with **proposals for adapting the EU legislative framework to the internet environment**;
- reiterated its call for an **IPR strategy**, including a comprehensive legal framework to combat IPR infringement adapted to the online environment, with full regard for fundamental rights and freedoms, fair trials, proportionality and data protection;
- insisted on the need to **support and facilitate the work performed by customs services in mutual cooperation** which plays an important role in the fight against IPR infringement in cross-border trade, by clarifying operational rules.

Lastly, the report stressed the need for **precise detection systems** that lead to the swift interruption of commercial-scale IPR-infringing activities.