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

2014/2206(INI) - 09/06/2015 - Text adopted by Parliament, single reading

The European Parliament adopted by 521 votes to 144, with 17 abstentions, a resolution 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.

Whilst appreciating the approach followed by the Commission, Parliament considered that the debate on a fair balance between rightholders' interests and end users' interests is multifaceted and extremely complex. It considered that 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. Members recognised that **coherence between internal and external policies** does not negate the need for a tailored approach, recognising the specific facts and circumstances existing in a third country market at issue.

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

The resolution also highlighted the following issues:

- the strategy should be **better adapted to the digital environment** and include a strong collaboration with customs authorities and market surveillance authorities to ensure horizontal coherence;
- the Commission should ensure that **geographical indications** are recognised and genuinely protected when negotiating free-trade agreements with third countries;
- the TRIPS agreement should be implemented in a balanced and effective manner where appropriate and that any flexibilities in its wording should fully respect the fundamental principle of non-discriminatory treatment for all fields of technology.

Parliament also made a number of recommendations are regards public awareness, internet and IPR, development and emerging economies, access to medicines, providing better data, protection and enforcement of IPR in third countries.

The resolution 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) ensure that medicine prices should be within the reach of people in the country in which they are sold; (iii) 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 importance of structuring the **EU Observatory** on Infringements of Intellectual Property Rights in a comprehensive way whilst maintaining its independence;
- 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, Parliament 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**
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